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PUBLIC HEARING

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA JR./CalePA HEADQUARTERS BUILDING

1001 I STREET

COASTAL HEARING ROOM

SACRAMENTO, CA

TUESDAY, DECEMBER 9, 2008

10:09 A.M.

LINDA KAY RIGEL, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13196

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mule, Chair

Ms. Margo Reid Brown

BOARD MEMBERS ALSO PRESENT

Mr. Gary Petersen

STAFF

Ms. Donnell Duclo, Committee Secretary

Mr. Ted Rauh, Program Director, Waste Compliance and Mitigation

Mr. Scott Walker, Branch Manager, Waste Compliance and Mitigation Program

Mr. Robert Holmes, Senior Integrated Waste Management Specialist, Regulations Coordinator

Mr. Reinhard Hohlwein, Waste Compliance and Mitigation Program

Mr. Mark de Bie, Division Chief, Waste Compliance and Mitigation Program, Permitting and LEA Support Division

Mr. Elliot Block, Chief Counsel

ALSO PRESENT

Ms. Rebecca Ng, Marin County Environmental Health

Ms. Jessica Jones, Redwood Landfill and Recycling Center

Mr. Roger Roberts, Marin Conservation League

Mr. Steve McCaffrey, North Bay Corp.

ALSO PRESENT continued

Mr. Arthur Boone, Sierra Club

Ms. Susan Brown, Green Coalition for Responsible  
Waste/Resource Management

Ms. Katherine De Silva Jain, Green Coalition for  
Responsible Waste/Resource Management

Mr. David Tam, SPRAWLDEF

Mr. Bruce Baum, Green Coalition for Responsible  
Waste/Resource Management

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1 P R O C E E D I N G S

2 --o0o--

3 CHAIRPERSON MULE: Good morning everyone. I'd  
4 like to call this meeting to order. This is the  
5 December 9 meeting of the Permitting and Compliance  
6 Committee.

7 We have agendas on the back at the table, and  
8 if you would like to address our committee, please fill  
9 out a speaker slip -- again, on the back table -- and  
10 then bring it up to Donnell, and you will have an  
11 opportunity to address us.

12 Also, I'd like to ask and remind everyone to  
13 please either turn off or put in the silent mode your  
14 cellphones and pagers. Much appreciated. Thank you.  
15 I think that's it for now.

16 Donnell, please call the roll.

17 COMMITTEE SECRETARY DUCLO: Brown?

18 COMMITTEE MEMBER BROWN: Here.

19 COMMITTEE SECRETARY DUCLO: Chair Mule?

20 CHAIRPERSON MULE: Here. Okay.

21 Ex partes. We have had a number of letters on  
22 item 1, committee -- or Board Agenda Item 1, and I have  
23 them all here. I believe all of them have been ex  
24 parted to date.

25 COMMITTEE MEMBER BROWN: I have a couple that

1    came in this morning that are in the process of being  
2    ex parted.

3               CHAIRPERSON MULE:   Okay.   Very good.

4               Okay.   Let's move then to our Program  
5    Director's Report, and today we have Ted Rauh.   Good  
6    morning.

7               DEPUTY DIRECTOR RAUH:   Yes.   Good morning,  
8    Chair Mule and Member Brown.   I'm Ted Rauh, the Program  
9    Director for Waste Compliance and Mitigation.   I have  
10   several items I'd like to report to you today.

11              First is an update on the New River  
12   collaborative project, which is an effort the Board  
13   started over two years ago in looking at how to deal  
14   with the problems of waste tire piles and waste piles  
15   in the border region between California and Mexico.

16              As a result of some air surveillance that the  
17   Board funded with Imperial County, 64 illegal disposal  
18   sites and waste tire piles were discovered along both  
19   the New and the Alamo Rivers extending north from the  
20   US-Mexico border all the way to the Salton Sea.

21              I'm pleased to report that 27 of those sites  
22   have now been completely remediated.   And as a result  
23   of that effort, five hundred -- 5,300 waste tires were  
24   removed and effectively disposed of, nearly 19,000 tons  
25   of waste, and 175 tons of metal were recycled.

1           There are 16 sites that are currently  
2   undergoing remediation, five of which will be part of  
3   the Farm and Ranch grant program that you approved this  
4   past year -- fiscal year; and along with that, 11 are  
5   nearly completed. So five in the grant program; the  
6   other 11 are in the remediation process and should be  
7   completed shortly.

8           Of the remaining 21 sites, five of those will  
9   be in the Farm and Ranch program as well and will all  
10  be completed in the next several months. And 11  
11  sites -- or ten sites, rather, in that group will be  
12  part of a grant application from the Imperial  
13  Irrigation District.

14          And that grant application is being reviewed  
15  right now by staff and should be before you in  
16  February. That would leave only six sites remaining to  
17  be dealt with. Those have not -- we've not met great  
18  support of -- the LEA has not met with positive support  
19  from the landowners, so additional enforcement orders  
20  will be written on those sites by January of this year.

21          And so we're seeing some great progress now  
22  being made as a result of that initial investigation.

23          I'd also like to mention another major  
24  environmental area in the southland, the Tijuana River  
25  basin. This again is a significant environmental issue

1 as a result of trash and waste tires that are streaming  
2 into California from Tijuana by means of the Tijuana  
3 River at any time there is a storm event.

4 The problem is somewhat exacerbated by the  
5 wall that's been built to separate California -- or the  
6 United States and Mexico, also creating some choke  
7 points where this debris is moving down, as well as  
8 silt.

9 Board staff has been involved. Scott Walker  
10 is part of the steering group that's looking at how to  
11 deal with all of these problems; and as a result, the  
12 Board is engaged in two fashions.

13 The first, we're using our investigation  
14 contractor to do some assessments, both the sediment  
15 and waste that have come into the floodplain, and it is  
16 about a six-mile area. That work is underway.

17 And secondly, we'll be proposing for your  
18 consideration a Board-managed cleanup for a very  
19 important part of the area. One of the three main  
20 access points for this waste and used tire flow and  
21 sediment flow into the New River area is Goat Canyon,  
22 and we'll be proposing a trash collection netting  
23 system as part of a Board cleanup in that area that  
24 should prevent the material from flowing. So that's  
25 something that we'll be coming to you in two months



1 with.

2 Another area I'd like to quickly recap for you  
3 is the southern California debris removal as a result  
4 of the major southern California fires of last month.

5 Board staff has been actively engaged with  
6 other Cal/EPA resources, and right now our efforts are  
7 focusing on the Oak Ridge Trailer Park, where 490 homes  
8 out of 608 were completely destroyed.

9 And we're working with the park owner as well  
10 as the state Housing and Community Development  
11 Department to develop a comprehensive cleanup that will  
12 include both household hazardous waste and of course  
13 the debris removal.

14 We're just providing technical support in this  
15 area. It's not something that will require any other  
16 action by the Board.

17 The one area I did want to mention that is a  
18 bit of concern to us as a result of working in these  
19 fire areas is that the response that seems to be being  
20 taken generally, with the exception of the Oak Ridge  
21 Trailer Park, is to allow the citizens, either through  
22 their insurance companies or private contractors, to  
23 deal with the debris problems.

24 Obviously, that's an acceptable method if it's  
25 done safely in accordance with correct debris

1 management protocols and standards. But if it's not,  
2 citizens are being exposed to ash and debris that have  
3 been determined by OEHHA to be a public health concern.

4 So one of the things we're working with  
5 Cal/EPA on is to ensure that local health directors and  
6 environmental health directors have adequate  
7 information about the potential health impacts caused  
8 by the ash.

9 And in turn, working under a work team that  
10 was established by the Governor's office, we are  
11 providing expertise in developing specifications that  
12 can be used for private contractor employment for these  
13 kinds of activities so that on that side of the coin  
14 we'll have an ability for, whether it is a public  
15 contract or a private contract, for the individual to  
16 know what kinds of standards should be employed when  
17 they're dealing with debris.

18 CHAIRPERSON MULE: Ted?

19 DEPUTY DIRECTOR RAUH: Yeah.

20 CHAIRPERSON MULE: Chair Brown has a question.

21 COMMITTEE MEMBER BROWN: You know, I -- I'm  
22 sure that the work team has thought of this, but one of  
23 the discussions that's been going on in the context of  
24 this -- and I'm particularly concerned about the  
25 homeowners that are in the mobile home park.

1           I'm not sure -- or the discussion has been  
2   that we're not really sure what kind of insurance  
3   coverage they have for mobile homes that's different  
4   from homeowners as far as coverage for debris cleanup.

5           I know when we led the effort up in Angora,  
6   you know, we did the assistance and worked directly  
7   with the insurance companies and facilitated that.

8           Last year's devastating southern California  
9   fires, a lot of the insurance companies stepped in, and  
10  there were contractors that were certified.

11          But I'm concerned without the same level of  
12  insurance coverage for these types of disasters that  
13  homeowners will try and go in and do it themselves, and  
14  we will be faced with a different situation because the  
15  difference between mobile home coverage versus  
16  single-family home coverage, and whether -- so I don't  
17  know if we want to raise that question at your  
18  workgroup and ensure that there are options for  
19  homeowners that don't have sufficient insurance to  
20  cover a contractor that comes in to do it, to ensure  
21  that they are safeguarded from the hazardous waste that  
22  could be associated with cleanup.

23          DEPUTY DIRECTOR RAUH: This is certainly a  
24  problem we can raise. In case -- in this particular  
25  case, the trailer park property is owned by the Oak

1 Ridge operator, and they have an insurance policy --

2 COMMITTEE MEMBER BROWN: Okay.

3 DEPUTY DIRECTOR RAUH: -- that apparently will  
4 cover, in this particular instance, the removal and the  
5 restoration of the basic property.

6 I'm not sure how that interacts with the  
7 individual mobile homes there. The owners of the  
8 mobile homes will still have to have their own --

9 COMMITTEE MEMBER BROWN: Debris removed.

10 DEPUTY DIRECTOR RAUH: -- insurance to bring  
11 back a new mobile home.

12 But I think the debris removal, as I  
13 understand it at this point, will be dealt with by the  
14 mobile home property --

15 COMMITTEE MEMBER BROWN: Okay.

16 DEPUTY DIRECTOR RAUH: -- owner.

17 COMMITTEE MEMBER BROWN: And Scott's behind  
18 you nodding his head, so.

19 CHAIRPERSON MULE: Right.

20 COMMITTEE MEMBER BROWN: I just want to make  
21 sure that, insofar as we can through our creative  
22 efforts that we've been able to do, especially like --

23 CHAIRPERSON MULE: Right.

24 COMMITTEE MEMBER BROWN: -- Santa Cruz Island  
25 cleanup, Angora, and some of the other projects that

1 you've worked on recently, Scott, we explore all of the  
2 options that the Board has available to it to ensure  
3 that we can assist these homeowners in this situation,  
4 fill the gaps where it's appropriate in our statutory  
5 authority.

6 Did you want to add something?

7 BRANCH MANAGER WALKER: Just -- I'd just like  
8 to add we definitely take that message very seriously.  
9 We've been working very diligently with the Housing and  
10 Community Development Department.

11 And we're really, at this point -- at this  
12 point, we're -- we're -- cautiously optimistic that the  
13 park owner will be able to take care of the debris  
14 removal in a coordinated fashion, and we're not going  
15 to have the individual homeowners in the park having to  
16 deal with stuff and doing stuff on their own.

17 We -- we're very confident of that right now.  
18 But again, we're working with Housing and Community  
19 Development Department, and also the park owner. But  
20 we're very optimistic at this stage, and we'll do  
21 everything we can, and then report back to you.

22 COMMITTEE MEMBER BROWN: Great. Thank you.

23 CHAIRPERSON MULE: Thank you, Scott.

24 Continue, Ted.

25 DEPUTY DIRECTOR RAUH: Just two more quick

1 items.

2 Also wanted to report that, with respect to  
3 ADC demonstration projects, the staff has approved a  
4 six- to 12-month ADC demonstration project for the  
5 Chicago Grade Landfill. The ADC being used is  
6 construction and demolition fines.

7 In this case, the staff is the LEA for this  
8 facility, so we will be evaluating both the -- with the  
9 facility, of course -- both the value of the ADC as  
10 alternative daily cover, and also the material itself  
11 and its consistency.

12 CHAIRPERSON MULE: And Ted, how long is that  
13 project slated for?

14 DEPUTY DIRECTOR RAUH: It's slated for six to  
15 12 months.

16 CHAIRPERSON MULE: Six to 12.

17 DEPUTY DIRECTOR RAUH: If we can demonstrate  
18 in six months, then it basically would be able to  
19 proceed.

20 CHAIRPERSON MULE: Okay.

21 DEPUTY DIRECTOR RAUH: If it takes a bit  
22 longer, it -- but we're quite confident. We have been  
23 out to the site, of course, being the LEA, and we've  
24 looked at the technology and approach they're using.

25 CHAIRPERSON MULE: So you'll be coming back to

1 us with a report.

2 DEPUTY DIRECTOR RAUH: Certainly. We can do  
3 that.

4 CHAIRPERSON MULE: Year, 14 months or so.

5 DEPUTY DIRECTOR RAUH: Absolutely.

6 CHAIRPERSON MULE: Okay. Thank you.

7 DEPUTY DIRECTOR RAUH: And finally, I just  
8 wanted to give you a very quick update on the  
9 implementation of our streamlined manifest enforcement  
10 program.

11 As I reported in the past, we currently have  
12 89 streamlined enforcement letters out. And of those,  
13 80 are in stipulated agreement and seven are in the  
14 discussion process.

15 With the successful conclusion of those seven,  
16 we'll have about a 97 percent participation rate in  
17 this program. And all of our backlog in this  
18 enforcement area is up and current.

19 CHAIRPERSON MULE: Great work. Thank you to  
20 all the staff that's been working on that. That's  
21 good.

22 DEPUTY DIRECTOR RAUH: Thank you, and that  
23 concludes my report.

24 CHAIRPERSON MULE: Great. Do we have any  
25 other questions or comments for -- and I would like to

1 welcome Board Member Petersen. Good morning. Thank  
2 you for being here with us. Okay.

3 Today, what we're going to do is we're going  
4 to hear two items, but we're going to reverse the  
5 order. So we're going to hear Item 2 first, then Item  
6 1.

7 I do also want to announce that there is an  
8 additional Permitting and Compliance meeting this  
9 Thursday in Diamond Bar to hear items -- I believe it's  
10 4, 5, and 6.

11 And so with that, let's go to Board Agenda  
12 Item 2, and Bob and Bill and Ted.

13 DEPUTY DIRECTOR RAUH: Thank you. I'll  
14 just -- actually just turn it over.

15 CHAIRPERSON MULE: Okay.

16 SENIOR INTEGRATED WASTE MANAGEMENT SPECIALIST

17 HOLMES: Good morning, Madam Chair, Chair Brown and  
18 Member Petersen. I'm Bob Holmes with the Waste  
19 Compliance and Mitigation Program.

20 I have just a few slides to walk you through.  
21 Essentially, it's a summary of your item. Couple  
22 bullets on the background.

23 We have on the books had performance-based gas  
24 monitoring and control regulations that applied to  
25 active disposal sites. Those have been on the books



1 since the '70s, between the '70s and 2007.

2 In 1990, more detailed regulations were  
3 promulgated that applied to closed disposal sites, and  
4 those are the details that added specifications for  
5 well locations, spacing, depth, things of that nature.

6 And then in 2004, a Board-sponsored landfill  
7 compliance study, the contractor recommended that the  
8 Board take those more detailed closed site standards  
9 and make them applicable to active sites. So the Board  
10 took that action, went through the rule-making process,  
11 and the Board adopted those regulations in April of  
12 2007.

13 The 2007 regulations became effective in  
14 September of that year. They contained compliance  
15 dates for and based on the size of the facility,  
16 permitted size of the facility, those permitted for  
17 greater than 20 tons were to have their landfill  
18 control plans in place and implemented by September  
19 21st. And then it was a year later for the smaller  
20 sites, 20 tons a day or less.

21 We began to realize in late spring/early  
22 summer of 2007 that there were going to be a number of  
23 operators who were not going to make the  
24 September 21st, 2008 deadline, and we began putting  
25 things in place to address that noncompliance.

1           Here's a list of those activities. The  
2 regulations that are before you today are just one of  
3 the items that staff worked with the operators and LEAs  
4 to put in place.

5           The regulations before you are coupled with a  
6 regulatory gap compliance strategy. Each of these  
7 items has been made available to the operators and to  
8 LEAs. There are five elements of the regulations  
9 before you today.

10           The first one makes it clear and establishes  
11 two distinct compliance dates, one for submittal of a  
12 program plan, and one for the full implementation of  
13 that plan. The existing regulations, there is lack of  
14 clarity with respect to that, so we've cleaned that up  
15 with this change.

16           It also establishes a review time frame for  
17 EA. The existing regulations have a review time frame  
18 for the Board but not for the EA, so we've added that  
19 in.

20           Probably the most critical change is this  
21 adjustment to the compliance deadline. It now makes it  
22 clear for those larger sites permitted for 20 tons or  
23 more per day. We kept that September 21st, 2008  
24 deadline for submittal of the plan but give them  
25 essentially eight months from that date, roughly

1     October 2009, depending on when OAL would approve those  
2     regulations, to fully implement those plans.

3             And then again, the smaller sites are about a  
4     year off that schedule, so they need to submit their  
5     plans by September 21st of '09 and fully implement them  
6     a year later.

7             We have also clarified that for close disposal  
8     sites, the depth standard for existing wells are  
9     essentially grandfathered in until such time as they  
10    choose to replace those wells or modify those wells.

11            And then finally, the regulations would allow  
12    the Board to extend the implementation deadline if the  
13    operator has in good faith made efforts to comply with  
14    that deadline, but for reasons beyond their control  
15    they are unable to meet that deadline. So this would  
16    allow the Board to extend that for cause.

17            And then just real quickly, a rundown of the  
18    rule-making time line.

19            We got direction from the Board in August to  
20    initiate the formal comment period. A 45-day comment  
21    period ran from September 12th through October 27th.  
22    We had a public hearing on the 29th. Then we came back  
23    to the Permitting and Compliance Committee last month  
24    on November 10th and got direction to make changes and  
25    notice the regs for an additional 15-day comment

1 period.

2 That comment period ran from November 15  
3 through December 3rd.

4 We did get two additional comments. One was a  
5 reiteration of a comment we received during the 45-day  
6 comment period. That was the one related to wood waste  
7 landfills and the applicability of these regs to wood  
8 waste landfills in which we responded that they do  
9 apply; however, they are eligible on a case-by-case  
10 basis for an exemption.

11 Then the second comment was essentially we  
12 have no further comments on these regs.

13 So with that, I'd be happy to answer answer  
14 any questions that you might have.

15 CHAIRPERSON MULE: Donnell, do we have any  
16 speakers on this item?

17 COMMITTEE SECRETARY DUCLO: No.

18 CHAIRPERSON MULE: No speakers. Okay. So  
19 there are no speakers signed up. And do we have any  
20 comments or questions for staff on this?

21 COMMITTEE MEMBER BROWN: The only comment I  
22 want to make is, Ted, thank you very much.

23 I know when this item originally came up we  
24 gave you guys an aggressive timeline to get management  
25 practices out there, work with the operators to ensure

1 that they had the information necessary in order to  
2 stick with the timeline this time around in getting  
3 these regs moved forward.

4 So I want to thank you all for your diligent  
5 effort in moving this forward and getting us the reg  
6 package as quickly as you did; and I know that they  
7 will work as closely with us in the next year to get  
8 these reports in to us and get the approval process  
9 moving.

10 So I just want to thank you very much for your  
11 extra efforts in making sure to stick with that  
12 timeline in August and September.

13 DEPUTY DIRECTOR RAUH: Thank you, Chair Brown.  
14 And I think the staff learned, at least I learned, a  
15 little lesson here in terms of implementing these  
16 regulations; and we will be very diligent in our  
17 outreach efforts in the future.

18 CHAIRPERSON MULE: Right. Communication is  
19 the key. All right. Do I have any other questions or  
20 comments on these regulations?

21 And again, I want to thank Ted and Bob and  
22 Bill and all the staff that worked so diligently on  
23 these. We had to work under a very short time frame,  
24 so I appreciate all your efforts.

25 I do also appreciate the efforts of the

1 stakeholders to get this done done as quickly as  
2 possible. Let's hope we don't have to go back and  
3 change these again. I think this is it as far as I'm  
4 concerned. So with that, do I have a motion?

5 COMMITTEE MEMBER BROWN: I move Resolution  
6 2008-196.

7 CHAIRPERSON MULE: Second. It's moved by  
8 Chair Brown, seconded by myself. Call the roll please.

9 COMMITTEE SECRETARY DUCLO: Brown.

10 COMMITTEE MEMBER BROWN: Aye.

11 COMMITTEE SECRETARY DUCLO: Chair Mule.

12 CHAIRPERSON MULE: Aye. Okay. We will put  
13 that item on consent. That is committee Item C, Board  
14 Agenda Item 2. Thank you. Okay.

15 Let's go back to Committee Item B, Board  
16 Agenda Item 1.

17 DEPUTY DIRECTOR RAUH: Thank you, Chair Mule.

18 This item is consideration of a revised full  
19 solid waste facility permit for both a disposal site  
20 and compostable materials handling facility for the  
21 Redwood Landfill in Marin County.

22 And our staff presentation today is going to  
23 be composed of several parts. First, Reinhard Hohlwein  
24 will present the item for your consideration. We will  
25 then ask the LEA and Rebecca Ng to come forward and

1 discuss some of the environmental issues and other  
2 issues of public concern that were addressed by the LEA  
3 through the public process and have been expressed to  
4 you today in various communications from the public.

5 Reinhard will then follow up with the Board  
6 findings that the staff is recommending can be made.

7 Then we've asked Elliot Block to describe the  
8 legal basis for the permit determination that the Board  
9 makes, the concurrence. So he will present that.

10 And then we basically would turn the mic back  
11 to the Board as you see fit.

12 CHAIRPERSON MULE: Very good. Let's proceed.  
13 Good morning.

14 MR. HOHLWEIN: Good morning, committee  
15 members. Good to see you. Thank you.

16 This item regards the issuance of a revised  
17 solid waste facilities permit for the Redwood Landfill  
18 which is located north of Novato in the northeastern  
19 portion of Marin County.

20 This revision is necessary to allow for  
21 clarification of the waste amounts that add up to the  
22 total tonnage of 2310 tons per day; allow for a  
23 clarification of the operator -- of the hours and days  
24 of operation; allow for an increase in traffic from 415  
25 vehicles per day to 662; combine the existing landfill

1 and composting permits into one; add food waste to the  
2 composting feedstocks; increase the capacity of the  
3 landfill from 19 million cubic yards to 26.1 million  
4 cubic yards; and change the estimated closure date from  
5 2016 to 2024.

6 In a moment, I'm going to show a brief visual  
7 history and status of the permit. And then the LEA is  
8 here, and we'll describe the local process that has  
9 been associated with the development of the FEIR and  
10 the revised permit itself.

11 Since December 1999, Redwood Landfill has been  
12 operating under a Stipulated Notice and Order which  
13 arose due to a disagreement between the LEA and the  
14 operator as to permitted tonnages of various materials  
15 received at the landfill as well as traffic  
16 limitations.

17 The operator's application to revise the  
18 facility permit is part of its effort to address those  
19 areas of disagreement.

20 Within the context of the Stipulated Notice  
21 and Order, the LEA has found the facility consistently  
22 in compliance with state minimum standards. Board  
23 staff have also found the facility is consistently in  
24 compliance. And the compost facility, while operating  
25 under a separate permit, is also in compliance.



1           Staff with the Jurisdiction Compliance and  
2   Audit section recommend that the Board find that the  
3   permit is in conformance with the county Integrated  
4   Waste Management plan.

5           Staff from the Financial Assurances branch and  
6   the Closure branch have also found the facility to be  
7   in compliance with applicable regulations under their  
8   purview.

9           A lengthy CEQA process has been resolved this  
10   year with the certification of the Final Environmental  
11   Impact Report by the LEA.

12           The County of Marin, acting as Lead Agency,  
13   has concluded that unavoidable impacts to air quality  
14   are acceptable due to overriding considerations  
15   regarding those impacts as identified in the revised  
16   agenda item. The CEQA findings are included in the  
17   agenda item as Attachment 4.

18           We would like to acknowledge that the Board  
19   has received many comments from concerned parties.  
20   We'll be making sure you have received them all and  
21   that we will work with the LEA to respond to the main  
22   points.

23           Let me begin the presentation then, please.

24           DIVISION CHIEF DeBIE: This is Mark de Bie  
25   with Permitting and LEA Support.

1           We're trying to find the Board's presentation.  
2   It doesn't seem to be posted. But we do understand the  
3   Committee has the hard copy of the slides; so until we  
4   can maybe find those slides and get them up on the  
5   screen, at the pleasure of the Committee, Reinhard  
6   could maybe go slide by slide through the hard copy and  
7   review it that way. Yes.

8           And those slides are posted on our website.  
9   They have been up there for a number of days.

10           COMMITTEE MEMBER BROWN: Can we take a  
11   five-minute --

12           CHAIRPERSON MULE: Let's take a five-minute  
13   break.

14           COMMITTEE MEMBER BROWN: -- break and see if  
15   we can get this up and running so that anybody tuning  
16   in or in the audience can have the participation slides  
17   as well. Because I think we've got plenty of time. I  
18   have plenty of time to take us --

19           CHAIRPERSON MULE: We have all day.

20           COMMITTEE MEMBER BROWN: No, we have another  
21   committee.

22           CHAIRPERSON MULE: But We have all day.

23           COMMITTEE MEMBER BROWN: Seriously, if you  
24   don't mind, Chair Mule --

25           CHAIRPERSON MULE: No, let's do that.

1 COMMITTEE MEMBER BROWN: -- we can take a  
2 ten-minute break and allow staff to get the  
3 presentation up.

4 CHAIRPERSON MULE: All right.

5 (Recess)

6 CHAIRPERSON MULE: I understand we have the  
7 presentation ready to go, so let's reconvene this  
8 meeting.

9 And I take it -- does anyone have any ex  
10 partes to report? No? Okay. We're up to date. So --  
11 oh, Board Member Petersen.

12 BOARD MEMBER PETERSEN: Yes, I talked to Ken  
13 Stoddard.

14 CHAIRPERSON MULE: Thank you. And let's  
15 proceed. Thank you.

16 MR. HOHLWEIN: We were on the background of  
17 this permit.

18 CHAIRPERSON MULE: Yes, we were.

19 MR. HOHLWEIN: In 1958, the County issued a  
20 general use permit for the facility. That was never  
21 updated. So that's the foundational permit that is the  
22 substrate for the rest of the permits.

23 In 1978, a solid waste facilities permit was  
24 issued.

25 In 1995, a revised solid waste facilities

1 permit was issued.

2 In 1996, a permit for the composting site was  
3 issued.

4 And in 1998, the operator made an application  
5 for a permit revision.

6 The years 1999 to 2008 have revolved around  
7 the FEIR and all the modifications that have been  
8 proposed, and the entire CEQA process has been finally  
9 completed this year with the issuance of and signing of  
10 the certification of the FEIR by the LEA as Lead  
11 Agency.

12 The current status of the permit is -- of the  
13 landfill is that it is a Class III site. It's got a  
14 total acreage of 420 acres, half of which is filled  
15 with waste and dedicated to disposal. It has a height  
16 limit, which will not be changed in this revision, of  
17 166 feet in the south and 122 feet in the north. The  
18 other 210 acres are used for biosolids processing,  
19 other landfill infrastructure, and buffer areas.

20 Our records here at the IWMB show that from  
21 2007, there were out-of-county waste receipts from  
22 Sonoma County, Alameda County, Mendocino counties,  
23 among others. The majority of the out-of-county waste  
24 came from Sonoma County.

25 Other major permits dedicated to this site

1 include a waste discharge requirements issued by the  
2 San Francisco Bay Regional Water Quality Control Board.  
3 We were hoping to have staff from the Regional Board  
4 here today, but they were not available. It is likely  
5 that the Water Board will be taking up revised waste  
6 discharge requirements for the facility in the spring  
7 of 2009.

8 The facility also has two permits to operate  
9 issued by the Bay Area Air Quality Management District.

10 So we'd like to review the proposed changes  
11 for you. The main change is to combine the existing  
12 landfill and composting permits into one. That's  
13 significant.

14 To increase the capacity of the landfill from  
15 19.1 to 26.1 million cubic yards.

16 Change the closure date from 2016 to 2024.

17 Increase the vehicles per day from 415 to 662.

18 Change the slope configuration so that the  
19 site will have additional capacity without a change in  
20 the footprint. In other words, it will not be  
21 significantly enlarged. The capacity will be accessed  
22 from a change in the slope configuration.

23 We are going to add food waste as a compost  
24 feedstock and implement all the mitigation measures as  
25 outlined in the FEIR within the jurisdiction of the

1 Waste Board and the LEA.

2 Change the tonnage allocations which is namely  
3 to reduce the receipts of biosolids and increase the  
4 recycling and somewhat increase MSW receipts.

5 So looking at this chart, you can see that in  
6 the past, the old permit allowed a thousand tons per  
7 day of sludge or biosolids. That's been reduced to  
8 230.

9 The recycling was very minimal in the old  
10 permit. It's been greatly increased to 400, which will  
11 include C&D eventually.

12 And the composting amounts are also reduced  
13 from the value that was in the existing composting  
14 permit to -- from 545 to 170 in the new permit. And  
15 disposal will go up from 1,290 to 1,390 tons per day.

16 The FEIR which resulted from the long CEQA  
17 process produced 63 pages of mitigations. Some of  
18 those mitigations are under IWMP and the LEA regulatory  
19 authority. Some are related to water quality and are  
20 the exclusive purview of the Regional Board. And some  
21 are related to air quality and are enforced by the Air  
22 Quality Management District.

23 It is going to maintain a 200-foot setback  
24 from San Antonio Creek because the site is near San  
25 Antonio Creek which is a tributary of the Petaluma

1 River.

2 There will be improved access for public  
3 self-haul. There will be considerable improvement in  
4 resource recovery and recycling.

5 There will be a construction and demolition  
6 debris recycling facility that's not built yet.

7 There will be on-site photovoltaic and  
8 landfill gas-to-energy projects which are, of course,  
9 green energy projects.

10 That's it for our brief presentation on the  
11 details of the permit that's before you. We'd now like  
12 to hear from the LEA who is going to tell us about the  
13 local process regarding the CEQA findings.

14 CHAIRPERSON MULE: Thank you, Reinhard. Good  
15 morning. Would you please state your name for the  
16 record?

17 MS. NG: Good morning. I'm Rebecca Ng. I'm  
18 with Marin County Environmental Health, the designated  
19 Local Enforcement Agency.

20 Good morning, Committee Members. I was asked  
21 today to speak about the local process as Reinhard had  
22 pointed out earlier in his presentation.

23 The EIR process has taken nine years. I will  
24 start with -- by saying again, the landfill started  
25 operations in 1958, before the Subtitle D requirements

1 for liners.

2           It is situated on Bay Mud. The Bay Mud is --  
3 starts in the northwest corner at a minimum of ten feet  
4 in depth and as it goes west towards the Bay is 40 feet  
5 in depth. So it does meet -- the Regional Board  
6 recognizes it as an engineered alternative to a  
7 Subtitle D liner.

8           1994, the EIR was certified for Redwood  
9 Landfill, an expansion project. In 1995, the Redwood  
10 Landfill solid waste facility permit was issued.  
11 However, in 1998, Redwood Landfill submitted an  
12 application for a revision to that permit.

13           So initial study was conducted in 1999 which  
14 concluded that substantial changes would require a  
15 subsequent EIR. It identified 16 changes proposed for  
16 the project that had the potential for new or  
17 substantially more severe impacts that were not  
18 addressed in the 1994 EIR.

19           In July 2000, a Notice of Preparation was  
20 circulated with a 30-day comment period and a public  
21 scoping session was conducted in February 2001.

22           On July 16th, 2003, a draft EIR was circulated  
23 for a 45-day public review and comment period to end on  
24 August 29th.

25           July 28th of that same year, the planning



1 commission had a public hearing to receive public  
2 comment on the draft EIR. They continued the meeting  
3 until -- into August.

4 On August 18th, the planning commission  
5 extended the public review and comment period for  
6 another 45 days to allow for more public comment. So  
7 the public comment and review period lasted a total of  
8 90 days on the draft EIR.

9 September 22, 2003, the planning commission  
10 had another public hearing on the draft EIR. They  
11 instructed the staff to complete the EIR based on the  
12 oral and written comments received up until  
13 October 14th.

14 And then from 2003 to 2005, based on the draft  
15 EIR, the applicant revised the proposed project.  
16 Design changes necessitated additional analyses and  
17 supporting documentation during this period to clarify  
18 and refine the environmental and project information.

19 Part of the revision to the project included  
20 the reduction of proposed permitted peak quantities for  
21 incoming materials. They withdrew the proposal to  
22 reclassify the area G as a Class II waste unit and  
23 clarified types of designated waste to be received, and  
24 also initiated leachate pumping from the interior from  
25 the landfill. Okay.

1           In July 2005, the final EIR was circulated for  
2   a 60-day review and comment period to end on  
3   September 12th.

4           That public review and comment period was  
5   extended to September 26th for a total of 74 days.

6           During the 90-day review and comment period  
7   prior to this review, 700 written and oral comments  
8   were received. So this final EIR includes the response  
9   to comments of those 700 comments.

10          June 9, 2006, Redwood Landfill, Incorporated  
11   agreed to implement the mitigated alternative.

12          The mitigated alternative was identified as  
13   the environmentally superior alternative in the EIR.  
14   It includes changes to the proposed project to  
15   eliminate or reduce many of the impacts that had been  
16   identified as significant.

17          Under the mitigated alternative, the capacity  
18   would increase to 26.1 million cubic yards with the  
19   final cover, increase materials accepted for recycling  
20   and reuse, increase vehicle numbers for the deliveries  
21   of the recycled materials, and there would be no  
22   increase in material receipts for disposal.

23          In March 2008 -- March 27, 2008, the final EIR  
24   first amendment, or response to comments amendment, was  
25   circulated for a 33-day review period. The review

1 period was provided since there was a long delay  
2 between the completion of the final EIR and the first  
3 amendment. It was not a comment period.

4 And the first -- the planning commission had a  
5 public hearing on April 28, 2008 on the final EIR and  
6 first amendment.

7 The planning commission gave staff direction  
8 on issues and concerns regarding the environmental  
9 documents and continued the hearing to May 5th. And at  
10 that time -- or during that time, staff created the  
11 second amendment based on the planning commission's  
12 direction at the first meeting. And the second  
13 amendment was to clarify and amplify mitigation  
14 measures and other information in the final EIR.

15 So at that time, the planning commission  
16 recommended certification of the FEIR with the changes  
17 incorporated and the mitigation monitoring and report  
18 program.

19 The LEA, as Lead Agency, certified the EIR on  
20 June 10, 2008. And Redwood Landfill, Incorporated  
21 submitted an application for revision to the solid  
22 waste facilities permit on August 11th.

23 The applicant waived their 30-day time limit  
24 for acceptance of the permit package to allow the LEA  
25 sufficient time to prepare the mitigation monitoring

1 report program and to review the reports and plans  
2 required by the mitigation -- the MMRP. There were at  
3 least 18 plans and reports that were required -- that  
4 needed to be reviewed prior to issuance of the permit.

5 September 15th, the LEA hosted an  
6 informational meeting on the revised solid waste  
7 facilities project.

8 And October 23rd, the LEA determined that the  
9 Redwood Landfill application for revision to the permit  
10 was complete and correct, and that included the review  
11 of the 18 reports and plans required in the MMRP.

12 And November 5th, the LEA hosted a second  
13 informational meeting on the revised permit project.  
14 The draft proposed permit and the MMRP were made  
15 available to the public at least ten days prior to the  
16 meeting on our website, and permits were sent out to  
17 our people on our mailing list.

18 November 17th, the LEA sent the proposed  
19 permit to the Waste Board staff with changes made based  
20 on comments received.

21 One example is tying the additional landfill  
22 capacity to the 2015 greenhouse gas reduction goals of  
23 25 percent by the 2008 annual baseline. That's one  
24 example.

25 Okay. I will go into -- just give a brief

1 description of five of the main concerns that have been  
2 raised by the Green Coalition in Marin County.

3 The first is on leachate management and  
4 leachate facilities leak or spill contingencies plan.  
5 The Regional Water Quality Control Board has  
6 jurisdiction regarding surface water and groundwater  
7 protection.

8 Mitigation measures, there are several  
9 mitigation measures which address leachate management  
10 activities including but not limited to the requirement  
11 of the continuation of the Regional Board-approved  
12 leachate management plan, the requirement to update the  
13 leachate facilities leak or spill contingency plan,  
14 monitoring and inspection of the leachate containment  
15 pond, groundwater monitoring for leachate, leachate  
16 extraction program, implementation of a hydraulic  
17 gradient monitoring program, maintenance of equipment  
18 capable of maintaining fluid levels in the leachate  
19 collection and recovery system, maintenance and  
20 operation of the leachate collection and recovery  
21 system after landfill closure.

22 As noted above, as I just said, the Regional  
23 Board has jurisdiction regarding groundwater  
24 protection. Therefore, leachate management activities  
25 must be approved and conducted with Regional Board

1 oversight.

2           Regarding the levee stability analysis, the  
3 levee -- there's two levees surrounding Redwood  
4 Landfill. One's called the interior levee and one's  
5 the exterior levee.

6           And there are mitigation measures that address  
7 the -- that require the applicant to conduct slope  
8 stability analysis of the recently completed levee  
9 upgrades; And that has been done, and it has been  
10 peer-reviewed by a registered geotechnical engineer,  
11 and it has -- excuse me.

12           The test results were submitted, and it was  
13 concluded that the majority of the recently constructed  
14 levee has an adequate factor of safety for both static  
15 and dynamic conditions.

16           One 60-foot section will require remedial  
17 grading, but that has been placed on their construction  
18 schedule, and it is recommended that construction  
19 standards be prepared for the remedial grading on that  
20 one 60-foot section and construction be completed and  
21 tested according to standards.

22           In addressing the slope stability -- I know  
23 that's not on the list, but I was asked about that.  
24 The seismic stability of the landfill itself, because  
25 the expansion would increase -- the capacity would

1 increase, and therefore the slopes would be slightly  
2 steeper. That was analyzed during the EIR process.

3 The mitigated alternative includes that  
4 design, and it was peer-reviewed by our ESA,  
5 subcontractor ESA was our CEQA consultant. So our  
6 engineer subcontractor has reviewed that, and it was --  
7 it appears to comply with the seismic stability  
8 requirements contained in state and federal  
9 regulations. So the seismic risks of the project have  
10 been addressed.

11 Moving on to long-term flood protection, the  
12 MMRP also requires submission of a long-term flood  
13 protection plan for the site to the LEA and the  
14 Regional Board.

15 The plan was submitted and reviewed by the LEA  
16 and has been deemed satisfactory. The Regional Board  
17 review is pending.

18 It also was peer-reviewed, and it was  
19 concluded that the geotechnical evaluation of  
20 settlements and research of predicted sea level rise  
21 are generally appropriate for the site conditions.

22 The mitigation measure also requires that the  
23 plan be updated every five years during the remaining  
24 operational life of the landfill and a post-closure  
25 maintenance period to ensure that the plan is current

1 with the most recent and broadly accepted predictions  
2 of flood levels following consultation with the US  
3 Geological Survey, the San Francisco Bay Conservation  
4 and Development Commission, and other monitoring  
5 agencies that track bay and ocean levels that may  
6 provide estimates of mean sea level rise and areas  
7 subject to future inundation.

8 The plan is required to be updated to account  
9 for new information on predicted flood levels and  
10 ensure that levee heights are adequate for the  
11 predicted levels and are increased accordingly. So.

12 Okay. The lack of financial assurances for  
13 catastrophic failure and post-closure: Title 27,  
14 commencing with section 22-205, talks about  
15 requirements for disposal sites.

16 There's funding requirements for closure,  
17 post-closure maintenance, financial assurance  
18 requirements for operating liability, financial  
19 assurances for corrective action.

20 So the Waste Board staff has been charged with  
21 the review of those financial assurances for adequacy.  
22 The LEA has turned that over to the Waste Board staff.  
23 So -- and from what I understand, it was deemed  
24 satisfactory.

25 The last item I will discuss is the



1 independent monitor. The Green Coalition has -- that  
2 has been one of their big concerns. In the EIR, it did  
3 not identify a significant impact related to -- sorry.

4 The EIR did not identify a significant impact  
5 related to Redwood's existing self-monitoring program.  
6 Subsequently, it noted that there was no legal basis  
7 under CEQA to impose a third-party monitoring program  
8 on the project as mitigation.

9 However, as the Lead Agency for the project,  
10 the LEA has the authority to require a program of this  
11 nature as a condition in the solid waste facility  
12 permit if it finds that there is a legitimate public  
13 interest to do so.

14 Subsequently, the proposed solid waste  
15 facility permit does include a condition which requires  
16 that an independent third party, subject to approval by  
17 the LEA, be retained at Redwood Landfill's expense to  
18 monitor the facility's compliance with all the  
19 conditions of the solid waste facility permit as well  
20 as the MMRP.

21 Monitoring reports and audits shall be  
22 submitted to the LEA at a frequency specified in the  
23 permit.

24 So that's all for my presentation.

25 CHAIRPERSON MULE: Thank you, Rebecca.

1 Reinhard?

2 MR. HOHLWEIN: Right. Thank you, Becky. We  
3 appreciate that.

4 COMMITTEE MEMBER BROWN: I have a quick  
5 question. I wanted to find out about the public  
6 process real quick before you step back.

7 And you referred to your mailing list, I  
8 wanted to find out from you: Was the mailing list at  
9 the request of the residents? Is it a certain distance  
10 from the landfill? How did you develop your mailing  
11 list?

12 MS. NG: Actually, the mailing list was  
13 developed by our community development department  
14 because -- during the EIR process. So the LEA kind of  
15 inherited that.

16 COMMITTEE MEMBER BROWN: I just need to know:  
17 Who was notified and in what manner and -- because I  
18 want to -- I know that you have had a lot of public  
19 input and I'm just curious.

20 Was it a thousand feet from the facility? Was  
21 it all interested residents? Was it anybody who called  
22 was subsequently then put on the mailing list?

23 MS. NG: I think it was all of the above. We  
24 had quite a few of the residents from Novato, but there  
25 were also a number of people throughout Marin County as

1 well as outside of Marin County.

2 COMMITTEE MEMBER BROWN: But that doesn't tell  
3 me -- I mean I don't want to be a stickler on this, but  
4 I'm interested in knowing how the residents -- because  
5 you did have a robust process, and I appreciate the  
6 LEA's efforts in going above and beyond what the  
7 statute requires as far as notification of public  
8 meetings, and I appreciate that because the process  
9 that we are in ensures that there is dialogue, and  
10 you're working with the operator as well the public in  
11 making sure that there is a process for them.

12 I'm just curious as specifically -- if you  
13 don't know --

14 MS. NG: Well, I don't know how the original  
15 list was developed. However, I do know that when we  
16 did -- when our office received inquiries, we asked if  
17 they wanted to be included.

18 COMMITTEE MEMBER BROWN: Okay.

19 MS. NG: And we did add them. And at our  
20 September 15th meeting, for those -- we had as the  
21 sign-in sheet, would you like a copy of the proposed  
22 solid waste facilities permit?

23 COMMITTEE MEMBER BROWN: And so all of those  
24 people received copies of the permit prior to the  
25 meeting in November?

1 MS. NG: Yes, and they also received one prior  
2 to this meeting.

3 COMMITTEE MEMBER BROWN: Okay, great. That  
4 was exactly where I was going. Thank you very much.

5 CHAIRPERSON MULE: Reinhard?

6 MR. HOHLWEIN: Thanks again, Becky.

7 Board staff recommend that the environmental  
8 document -- the Lead Agency's findings, the Statement  
9 of Overriding Considerations are adequate for the  
10 Board's evaluation of the project for those project  
11 activities which are within the Board's jurisdiction  
12 and authority.

13 Staff have made all the required findings, and  
14 therefore staff recommends that the Board adopt  
15 Option 1 as its own, the CEQA findings and the  
16 Statement of Overriding Considerations which were  
17 previously adopted by the Lead Agency, and concur in  
18 the issuance of the revised proposed permit as  
19 submitted by the LEA and adopt Resolution 2008-194.

20 At this point, we're going to turn it over to  
21 Elliot Block, who's going to give us some information  
22 on the -- more information on the process.

23 CHAIRPERSON MULE: Elliot, good morning.

24 CHIEF COUNSEL BLOCK: Thank you. I just  
25 wanted to set some context just before the Board hears

1 public testimony today because it's important for  
2 everyone to keep in mind the limited scope of the  
3 Board's authority on proposed permits.

4 Statute provides that the Board may only  
5 object to a proposed solid waste facility permit if it  
6 does not meet the requirements of Public Resources Code  
7 section 44009.

8 To paraphrase that statute as applies to this  
9 permit, the Board would only be able to object if the  
10 proposed permit is not consistent with the Board's  
11 statement of standards as set out in its regulations,  
12 the financial responsibility requirements for public  
13 liability, the financial assurances requirements for  
14 closure and post-closure maintenance, and the  
15 conformance finding requirements. It's a limited list.

16 In addition, under the California  
17 Environmental Quality Act, the Board could object if  
18 the proposed permit would have significant effects on  
19 matters that are within the Board's authority that  
20 could not otherwise be avoided or mitigated.

21 Conversely, concerns about other matters such  
22 as air and water emissions would not be within the  
23 scope of the Board's authority and would not be  
24 relevant for today's action. The Board could not rely  
25 on that testimony about these matters in reaching its

1 decisions whether to concur or object with this permit.

2 CHAIRPERSON MULE: Thank you.

3 MR. HOHLWEIN: And finally, the operator has  
4 requested an opportunity to make a short presentation,  
5 so we'd like to allow that.

6 CHAIRPERSON MULE: Okay, thank you.

7 Could you please state your name for the  
8 record? Thank you.

9 MS. JONES: Good morning. My name is Jessica  
10 Jones, and I'm the manager of Redwood Landfill and  
11 Recycling Center. And thanks for a few minutes to  
12 speak today. I'll keep it very brief. Many of the  
13 things have already been discussed, but I do want to  
14 hit upon one of the questions that you had also.

15 First of all, I want to thank the LEA and  
16 Board staff for all of their hard work. This has been  
17 a ten-year process, and they've worked very hard on  
18 this in the last ten years.

19 I want to just do a brief history of the  
20 facility and how we've come to be in front of you today  
21 and also a really brief discussion of our operations  
22 under the new permit.

23 As you've heard, we opened in 1958. We've  
24 been in continuous operation ever since. We have an  
25 excellent compliance record, and we feel our operations

1 go well above the state minimum standards required. We  
2 have excellent controls of typical landfill vectors  
3 such as odor, litter.

4 We actually -- going to the neighbor issue;  
5 I'll just jump to that. We do not have any near  
6 neighbors. In the EIR, the most -- that what we  
7 consider -- is considered a sensitive receptor is one  
8 and a half miles away, and that's the Buck Institute or  
9 Buck Center. And two and a half miles away is the  
10 Bahia residences which is the closest actual  
11 homeowners.

12 And also, just to briefly mention that too, in  
13 the last eight years during the environmental review  
14 process there has been a lot of public outreach both  
15 from us and also from the elected officials and the  
16 entire county. So it is a very known project.

17 I want to also mention that -- just really  
18 briefly -- that one of the historical issues with the  
19 site was traffic concerns. And the EIR analyzed that.

20 There used to have to require to cross Highway  
21 101 which is a very busy highway, almost a freeway. So  
22 we completed an overcrossing in 2006 at the cost of  
23 \$10 million to provide safe access to the facility.

24 That overcrossing is privately owned by us,  
25 but it will be turned over to Caltrans when they

1 complete the widening of the freeway through that area  
2 which is supposed to happen in about a year or two.

3 I'll skip some of the stuff about the process.

4 I do want to say that in these last ten years, or eight  
5 years of the actual environmental review, there's been  
6 numerous opportunities for formal public comment and  
7 many informal.

8 Every comment submitted on the Draft EIR and  
9 Final EIR received a response in some form in the  
10 environmental documents. And Marin County, from what I  
11 understand, is a little unique in that they also have a  
12 full response to comments period on the Final EIR in  
13 addition to the Draft EIR.

14 There were two planning commission meetings.  
15 And the planning commission, after listening to the  
16 public and also getting recommendations from many of  
17 the long-established environmental groups in Marin  
18 County, they unanimously certified the EIR. That was  
19 back in June. I'm sorry, they recommended  
20 certification. The LEA is actually the certifying  
21 body.

22 And I also want to mention that we have an  
23 open-door policy at the landfill. We actually held an  
24 open house that we advertised in this process to  
25 encourage residents to come out, ask questions, and see



1     what we do at the facility. And there have been many  
2     other articles in the papers that have talked about  
3     this project also for public outreach.

4             I'm just going to briefly talk about some of  
5     the mitigation measures. This environmental review  
6     resulted in the County recommending a mitigated  
7     alternative which was considered the environmentally  
8     superior project, and that resulted in over 60 new  
9     mitigation measures for the facility.

10            Many of the operations at the site that have  
11     been ongoing for 50 years were analyzed in this EIR  
12     which goes well above and beyond what is required as a  
13     minimum. And some of these mitigation measures are  
14     actually based on existing historical operations. I  
15     want to give you an example of a few of them that are  
16     substantial.

17            The greenhouse gas reduction plan that was  
18     part of -- it was a mitigation measure for the operator  
19     to submit a greenhouse gas reduction plan.

20            It requires, consistent with the Marin  
21     County-wide plan, a 15 percent reduction of greenhouse  
22     gases below -- I'm sorry -- the 1990 level greenhouse  
23     gas emissions, we're required to be 15 percent below  
24     that baseline by 2020.

25            And that's actually specifically tied to the

1 solid waste facilities permit, and our access to the  
2 approved landfill -- the increased landfill capacity is  
3 tied to meeting those goals. We have many enhanced  
4 environmental controls related to air and water  
5 quality.

6 Another mitigation measure is increased  
7 diversion capabilities, the 400 tons per day of  
8 commingled construction and demolition recycling  
9 materials we will be able to receive.

10 And the new permit, essentially, our  
11 day-to-day operations are not going to change. We are  
12 going to be allowed to remain open for another 16  
13 years.

14 We have some future projects that will be  
15 included in the new permit or the EIR encompassed.  
16 Some of those are a public disposal and recycling area  
17 to remove the public from the face of the landfill and  
18 to encourage public source separation of loads or  
19 sorting of loads.

20 Potential reuse area for reuse of materials.

21 And our composting operations are going to be  
22 allowed to include food waste in the feedstock in the  
23 permit.

24 So in closing, a lot of time has gone by since  
25 the initial proposed project ten years ago was

1 submitted by the operator, by us. And a lot has  
2 changed in that time, and we feel that the new project  
3 really meets the needs of the community and the region.

4 We take about 80 percent of Marin's garbage  
5 today, Marin's waste. And that accounts for about  
6 one-third of all the recycling activities that occur in  
7 Marin County. We also provide an essential service to  
8 neighboring Sonoma County for recycling and disposal.

9 So thank you for your time and your  
10 consideration of this new permit.

11 CHAIRPERSON MULE: Thank you.

12 MS. JONES: I also have some of our staff here  
13 that can answer technical questions if you have any.

14 CHAIRPERSON MULE: That you. Appreciate it.  
15 Reinhard?

16 MR. HOHLWEIN: That concludes our staff  
17 presentation, obviously. The LEA is here. Jessica  
18 mentioned they have all their technical staff here, so  
19 we'll be happy to answer any questions you might have.

20 CHAIRPERSON MULE: Great. Well, we do have  
21 several speakers, so let's move forward with our  
22 speakers. Right now, I have a total of seven so we  
23 will get right into that.

24 First speaker is Mr. Roger Roberts.

25 MR. ROBERTS: Good morning, commissioners. My

1 name is Roger Roberts. I am a Board Member of the  
2 Marin Conservation League as well as an officer of the  
3 League. We have been an entity in being for 74 years  
4 in the county.

5 We are a nonprofit advocacy organization that  
6 is dedicated to the preservation and the protection of  
7 the natural resources of our county which is why we  
8 have been following this project for the past ten  
9 years, and we've done so with great interest.

10 We have supported publicly, and we do so  
11 today, the revised project iteration based upon the  
12 FEIR's mitigated alternative, but with strict  
13 performance and compliance controls during operation  
14 and closure.

15 It is in this area of performance standards  
16 and compliance with the mitigation measures that we  
17 wish to comment on today, particularly conditions T, S,  
18 and D in the permit.

19 We disagree with the LEA's solid waste  
20 facility permit condition T in that it limits availment  
21 of additional landfill capacity only if annual  
22 greenhouse gas emission targets are not met in 2015 and  
23 2020.

24 We believe the additional landfill capacity  
25 allowed under the permit should also be conditioned

1 upon Redwood Landfill's compliance standards associated  
2 with establishment of recycling and resource recovery  
3 facilities within three years from approval and  
4 certification that a certain average volume of  
5 recycling and resource recovery is being attained on a  
6 continuing basis.

7 And secondly, in accordance with the reference  
8 3.5.6a of the MMRP regarding levee standards, that  
9 there be a firm construction schedule to meet the levee  
10 improvements that are required for flood control and  
11 spillage purposes.

12 That is, after all, supposed to be a condition  
13 precedent for issuance of a permit, and we believe that  
14 levee strengthening and height will be necessary and  
15 should be proceeded with sooner rather than later.

16 These two additional performance criteria for  
17 compliance with the permit go to the heart of the  
18 matter with respect to County policies that, number  
19 one, encourages the acceleration of zero waste and  
20 resource recovery programs, and, two, ensures  
21 protections for streams and wetlands in the neighboring  
22 area from potential environmental harm.

23 Secondly, we also take exception to the LEA  
24 permit condition S which calls for independent third  
25 party monitoring for compliance with all conditions of

1 the permit for three years, after which the LEA at its  
2 discretion may limit or modify the use of an  
3 independent or third party monitor.

4 This is much too short a time period for such  
5 a decision to be taken by the LEA. There are a number  
6 of programs that will barely be getting started by that  
7 time. And as a matter of fact, the closer we  
8 receive -- or the closer we get to the closure period  
9 of 2024, there will be even greater need for an  
10 independent monitor to ensure compliance.

11 Moreover, we believe that failure to comply  
12 with all the conditions of the permit, including the  
13 MMRP, should carry significant penalties. We agree  
14 with the concept of conditioning capacity increase upon  
15 compliance to the MMRP; and we think that that, at the  
16 very least, should be a penalty considered as part of  
17 this permit approval.

18 In addition, and in connection with this  
19 entire process, we want to ensure that all of the  
20 compliance reports and audits made by the independent  
21 monitor be made available to the public for information  
22 and review.

23 Number three, LEA condition number D speaks to  
24 complying with all mitigation measures and conditions  
25 of approval contained in the MMRP, yet there is no

1 penalty cited for failure to meet these requirements.  
2 Like condition T, there should be capacity utilization  
3 benefits if and only if all the mitigation measures and  
4 conditions of approval are met as required and  
5 scheduled for completion.

6           Lastly, we continue to be concerned about  
7 necessary and sufficient financial commitments and  
8 resources to correct potential operational and  
9 post-closure failures at the site which is subject to  
10 sea level rise, flooding, and earthquake risks.

11           Even though AB 2296 has been passed and signed  
12 into law in 2006 and calls for this Waste Board to  
13 establish regulations for financial assurance  
14 mechanisms to deal with long-term threats to the  
15 environment from landfills, we feel that it is  
16 important that this permit should explicitly require  
17 that Redwood Landfill be -- have sufficient financial  
18 commitments and resources to correct potential  
19 operational and post-closure failures and that they  
20 should be provided by not Waste Management or any of  
21 its associated entities, but an independent third party  
22 that has the financial wherewithal to provide secure  
23 and unquestioned sources of funding to deal with  
24 remedying catastrophic and other potential future  
25 landfill failures and resulting in environmental

1 cleanup that may be required.

2 Thank you very much.

3 CHAIRPERSON MULE: Thank you very much.

4 Appreciate your being here.

5 Our next speaker is Steve McCaffrey.

6 MR. McCAFFREY: Good morning. My name is  
7 Steve McCaffrey. I'm with North Bay Corp. North Bay  
8 Corp is the largest hauler and recycler in the northern  
9 San Francisco Bay area, and we do about 70 percent of  
10 the hauling of solid waste for Sonoma County and about  
11 90 percent of the recycling as well as about one-third  
12 of the hauling and recycling for Marin County.

13 Santa Rosa, which is our base, is the first  
14 city to have had residential curbside recycling in the  
15 state. And Novato, which is our oldest company, was  
16 the first in Marin County to have residential curbside  
17 recycling.

18 Right now, we're doing about 18,000 tons per  
19 month of recycling, and we are really a recycling first  
20 company. That being said, we work very closely with  
21 all of our jurisdictions on their zero waste plans, and  
22 we're in the early permitting process for a super MRF,  
23 for lack of a better term, that's going to be able to  
24 divert up to 90 percent of the material that we  
25 collect.



1           We do believe that there is a need for this  
2 landfill because there will always be that ten percent  
3 discards after we do everything that we do.

4           Presently, we're hauling a lot of material to  
5 Redwood as well as to other landfills in Contra Costa  
6 County as well as Alameda County.

7           Just environmentally, it makes a lot of sense  
8 that we keep as much of the material as close to the  
9 point of generation and stop the exportation of the  
10 waste.

11           We support approval of this MRF, and one of  
12 the main reasons is with the -- excuse me, the approval  
13 of the permit -- but one of the main reasons is it's  
14 going to allow us to expand our diversion with the food  
15 waste compost program as well as C&D expansion. We  
16 just ask the Board to keep that under consideration.

17           Thank you very much.

18           CHAIRPERSON MULE: Thank you, Mr. McCaffrey.

19           Does staff want to address -- I think the  
20 current diversion rate in the county is what, about 67,  
21 68 percent. Is that correct? Somewhere around there.  
22 Ted?

23           DEPUTY DIRECTOR RAUH: That's my  
24 understanding. That's the staff's understanding. It's  
25 about 67 percent.

1           CHAIRPERSON MULE: It's about 67 percent in  
2 Marin County. So they do seem to be one of the leaders  
3 in recycling and waste diversion here in the state.

4           Okay. We have a series of speakers now. We  
5 have Mr. Arthur Boone.

6           MR. BOONE: My name is Arthur Boone. I am the  
7 chair of the zero waste committee of the Sierra Club  
8 for the State of California. That's the umbrella  
9 organization that covers the 13 chapters of the state.  
10 I'm here with Mr. Magavern's permission.

11           First, I wanted to just call your attention to  
12 a letter which we're submitting it to the file. This  
13 is from David Haskell who is the chairperson of our Bay  
14 Area chapter's zero waste committee. His concern --

15           CHAIRPERSON MULE: Did you submit that to us  
16 yet?

17           MR. BOONE: No, it hasn't come to you yet. I  
18 have it right in my --

19           CHAIRPERSON MULE: We have yet to receive  
20 that.

21           MR. BOONE: I will. I will give it to you,  
22 yes. I just wanted to tell you what was in it.

23           Essentially, he's objecting -- he's a member  
24 of the local task force in Marin County -- to the  
25 yoking of the composting permit to the expansion permit

1 for the landfill.

2 He feels that that part of the project has not  
3 been adequately vetted on the local level and feels  
4 that that should be separated from this permit, and  
5 that's in here in some details.

6 And I don't understand all the details of  
7 this. Has to do with the original permit application  
8 and the nondisposal facility element. And he says that  
9 has not been adequately covered by the local forces,  
10 including the local task force of which he is a member.

11 I am not privy to the details of this; I do  
12 not know that law. I'm just relaying my --

13 COMMITTEE MEMBER BROWN: Did you say that is  
14 contained in the letter that you're submitting?

15 MR. BOONE: That's in the letter, yes, which  
16 can go to you and to staff and to whoever you want it  
17 to go to.

18 COMMITTEE MEMBER BROWN: If you guys could  
19 take a look at that, I'd appreciate it. Just knowing  
20 our strong emphasis on composting and the importance of  
21 composting as part of our statutory obligation and  
22 hierarchy, have always understood the Sierra Club to be  
23 a strong advocate for composting. I just want to  
24 understand their opposition to that part of the permit.

25 MR. BOONE: Mr. Haskell is writing in that

1 letter in his position as a member of the local task  
2 force. He feels that in the operating permit for the  
3 landfill that the decisions about the landfill's  
4 composting operation have not been properly vetted  
5 through the local committee.

6 So I just -- that's his concern, but I am  
7 relaying it to you. I believe he lays it out  
8 adequately in there.

9 COMMITTEE MEMBER BROWN: Okay. I understand.  
10 Because it has a current composting operation that's  
11 already there in existence is my understanding. What  
12 they're doing is just folding it into the permit.

13 So it's not a new operation, other than the  
14 addition of food waste as part of that additional  
15 composting.

16 So we'll take a look at the letter. I  
17 appreciate you bringing it to us so that we can fully  
18 understand what their objections may be. Thank you.

19 MR. BOONE: Okay. The statement that I'm  
20 making on behalf of the club is a little different.

21 It's interesting. This landfill opened in  
22 1958. That's the same year that the Bay Conservation  
23 and Development Commission was founded. This is, I  
24 believe, one of two remaining landfills next to the  
25 Bay.

1           Every other landfill in the Bay area -- there  
2   were 20, over 20 at one time on the shores of the Bay,  
3   and they have all been closed, and all of the landfill  
4   capacity which has become available to the area since  
5   then has been built basically in the hill country.

6           Yesterday, I happened to read the lawsuit that  
7   was brought about about ten years ago when Waste  
8   Management, the Oakland Scavenger Company, had a  
9   landfill in San Leandro.

10          You've probably been to their transfer station  
11   there; but before they built the transfer station, they  
12   had a landfill out in the Bay, 200 acres, and  
13   eventually they gave the landfill to the East Bay  
14   Regional Park District.

15          And then they discovered that the landfill was  
16   leaking into the Bay. And there was then a lawsuit  
17   about the question: Well, who is going to pay for the  
18   cleanup? The result was that the Waste Management is,  
19   as I am told by the general counsel for the park  
20   district, is committed to basically putting \$50 million  
21   into this project over the next 20 years to keep the  
22   landfill from leaking into the Bay.

23          I personally believe that no landfill should  
24   be built on the shore of the Bay ever again. I do not  
25   know whether what -- if the Regional Water Quality

1 Control Board says that the Bay Mud is good enough for  
2 them, I'd like to have a judge cross-examining experts  
3 approve of that. I certainly would not be inclined to  
4 dispose of that.

5 The second thing I'd like to note that,  
6 although Marin County has very high calculated  
7 diversion rate, they also have more garbage per person  
8 than any of the other four counties in the Bay chapter,  
9 which is Contra Costa, Alameda, San Francisco, and  
10 Marin.

11 And that has to do with the peculiarities of  
12 the way you all count diversion. And if you have ever  
13 heard me on that subject, you know that I have a lot of  
14 questions about Dr. Tseng and his formulas.

15 The last thing I want to say is I have a  
16 particular ax to grind on this issue. From 19 -- from  
17 2005 to 2007, I was a member of the Alameda County  
18 Source Reduction and Recycling Board. And we were  
19 funded by a citizens' initiative aid grant in 1990  
20 which basically put a tax on materials landfilled in  
21 Alameda County.

22 And that was the money that essentially pays  
23 for recycling programs in Alameda County. We have more  
24 money per capita for recycling programs than anyplace  
25 else in the country. I think that's still true.

1           Waste Management decided -- Waste Management  
2   Davis Street decided that they would beat the system a  
3   little bit, and on Saturday, when things were slow at  
4   Redwood Landfill, took about 150,000 tons of garbage  
5   over there and didn't pay our fee and paid Marin  
6   County's much lower fee.

7           And so our board lost about \$2 million in  
8   revenue because of what Davis Street did to us, from my  
9   perspective. They didn't pass the savings on to the  
10   public; they essentially kept the profit. And I  
11   presume that's going to pay for more of their recycling  
12   programs.

13          So I have a lot of credibility questions about  
14   this company. I've addressed the president of Waste  
15   Management, the new corporation; I got back a very  
16   innocuous letter from the regional vice president which  
17   did not answer my objections.

18          So if you read that lawsuit and you look at  
19   the fights that the East Bay Regional Park District had  
20   to go through in order to get Waste Management, the  
21   corporation, which had taken over and acquired this  
22   landfill and then turned it over to the park district,  
23   you'll recognize that it's very easy to get stuff  
24   screwed up after deals get cut.

25          And that's what I'm concerned about today.

1 Thank you very much.

2 CHAIRPERSON MULE: Thank you, Mr. Boone. Our  
3 next speaker is Susan Brown.

4 MS. BROWN: Good morning, members of the  
5 Board. My name is Susan Brown. I am an elected  
6 director of the Ross Valley Sanitary District in Marin,  
7 But I'm speaking to you today as a member of the Green  
8 Coalition of Responsible Resource and Waste Management.

9 The Green Coalition is an organization  
10 coalition of 25 environmental and social justice  
11 organizations within Marin.

12 I am filing a letter today from our CEQA  
13 counsel, Brent Newell, who was unable to be here today  
14 because of a medical procedure. In fact, there are two  
15 of our legal counsel who were going to be presenting to  
16 you today but have medical procedures, although I hope  
17 to be able to provide you with more information before  
18 the final hearing from these two counsels.

19 Mr. Newell's letter goes into additional  
20 detail on the flaws of the impact analysis of the  
21 state -- Statement of Overriding Consideration. This  
22 matters to you as Board members because staff is asking  
23 you to adopt the LEA's CEQA finding and the Statement  
24 of Overriding Considerations as the State Board's own.

25 The California Environmental Quality Act,



1 CEQA, imposes a substantive duty on government to  
2 refuse to approve a project that will have a  
3 significant impact on the environment after the  
4 imposition of feasible mitigation measures and project  
5 alternatives unless the government adopts a Statement  
6 of Overriding Considerations, SOC.

7           The Marin County official charged with  
8 certifying the EIR for the Redwood Landfill, Phil  
9 Smith, plans to take advantage of this procedural  
10 loophole in order to approve the dump expansion.

11           The draft SOC shows that Mr. Smith's plans to  
12 find the various factors outweighs several significant  
13 impacts including air pollution from the dump itself  
14 that will contribute to ozone, smog, and fine particle  
15 pollution PM2.5.

16           Second, air pollution from increased diesel  
17 truck usage that will contribute to ozone smog and  
18 fine particle pollution PM2.5, cumulative impacts of  
19 ozone PM2.5, and greenhouse gas emissions on regional  
20 air quality and global warming.

21           The draft Statement of Overriding  
22 Considerations relies on the analysis in the EIR as the  
23 basis for concluding that other, more important  
24 considerations outweigh these impacts. Therein lies  
25 the fundamental deficiency in the Statement of

1    Overriding Considerations.

2               The EIR itself provides no analysis of the  
3    dump's air pollution, individual and cumulative, other  
4    than disclosing the amount.  The EIR ignores the health  
5    effects of that pollution and the total cumulative  
6    pollution in the air basin.

7               The EIR also fails to analyze cumulative  
8    greenhouse gas emissions.  Therefore, the Statement of  
9    Overriding Considerations' findings are defective  
10   because those findings rely on a defective EIR.

11              Moreover, the County failed to analyze the  
12   impacts in the EIR such as aesthetic impacts on users  
13   of the Petaluma River, San Antonio Creek, and the  
14   Petaluma Marsh.

15              A proper analysis may render those impacts  
16   significant and unavoidable, necessitating additional  
17   justification in the Statement of Overriding  
18   Considerations in order to allow the dump expansion.

19              In closing, I just wanted to alert -- if in  
20   fact the members of this Board are not aware of it --  
21   but the California Integrated Waste Management Board in  
22   the Draft EIR for this project actually stated,  
23   asserted, that if the Redwood Landfill were to be sited  
24   today in this environmentally sensitive area it would  
25   not have been sited in this location.

1           So the sense of expanding and the lack of  
2   protections that really are included, although they may  
3   have been talked about but not really significantly  
4   analyzed, are very significant to the impact to not  
5   only Marin County but also Sonoma County and the  
6   outlying areas.

7           I appreciate the attention you've given, and I  
8   appreciate the opportunity to address you.

9           CHAIRPERSON MULE: Thank you for being here  
10   today. Let's move on.

11          Our next speaker is Katherine De Silva.

12          MS. De SILVA JAIN: Good morning. My name is  
13   Katherine De Silva Jain, and I am a mom, will-be  
14   grandmother, and a member of the Green Coalition.

15          I'm deeply grateful for the people who have  
16   preceded me. And the experts that we have enrolled and  
17   paid for through the Green Coalition, people who have  
18   great technical background, have told us and written  
19   reports and we've submitted reports about the seismic  
20   stability, about various other assurances and so on  
21   that we feel have not been adequately addressed.

22          We appreciate that this has been a lengthy  
23   process, but we do not believe that the positions put  
24   forth have gotten true consideration sufficient to the  
25   importance and risk that a landfill presents.

1           For one, we don't feel that the financial  
2   assurances are adequate. Also, the FEIR called for  
3   financial assurances reaching well beyond 30 years  
4   after closure, and the mitigated agreement report  
5   removes such requirement.

6           In addition, that removal also will effect  
7   the -- violates CEQA. Let's see.

8           Also wanted to talk about that, and I wanted  
9   to talk about -- a little bit about flood protection.  
10   We feel that the many plans that have been put forth  
11   have not -- unless the plans are put forth with  
12   concrete agreements and contracts, that -- plans for  
13   flood protection, et cetera -- the permit should not be  
14   accepted. We should not give them a go-ahead sign  
15   until we have -- many of the plans are legal.

16           Let's see.

17           The -- so floods. We have since 1995 -- the  
18   1995 permit was granted on the basis of building  
19   certain levees, and they're still not completed. There  
20   are still levees that are not completed. That was  
21   1995.

22           So there is a history of inadequate  
23   compliance, and we feel everything should be put in  
24   contract form. And certainly, of course, the  
25   financial, as was pointed out by Roger Roberts, the

1 financial assurances.

2           So among the -- one other issue. The plans,  
3 as I said, have to be definitely in contract form.

4           I wanted to point out we have pictures of the  
5 landfill and what it would look like under one meter of  
6 water. So it's not just a matter of levees. The  
7 landfill also sits on the sloughs, so there's water  
8 passing underneath it.

9           The final thing I wanted to say was about  
10 composting and recycling. I've been very proud of  
11 Marin's record. And then I found out that so much of  
12 this green waste we so dutifully put in our garbage  
13 cans has been used for alternative daily cover. And  
14 not only has it gone as alternative daily cover, so the  
15 company gets credits for it, the County gets credit for  
16 it, we all look very good, but it's being used and it's  
17 being a layer which is going to be turned into methane  
18 as other materials are dumped on it. You know that.

19           But the other point is -- so after that, the  
20 alternative daily cover was not used so much. It  
21 was -- they said that it was slope stability.

22           I thought -- I visited the -- when they made  
23 available the tour, I thought it was very interesting  
24 that these slopes which looked very stable to me --  
25 when there's not an earthquake, it's quite stable, and

1 as you know it's between two earthquake faults.

2 But anyway, this -- all our great green  
3 compost layering onto the sides for slope stability, I  
4 thought, personally, I don't believe it. I think it is  
5 a sham and a ripoff, that we are claiming a lot more  
6 greenhouse protection than we are actually doing.

7 So I urge you -- we are submitting letters, et  
8 cetera. My friends will submit the -- from the Green  
9 Coalition. And I urge you to take your time and  
10 protect our future and our present.

11 Thank you.

12 CHAIRPERSON MULE: Thank you, Katherine.  
13 Appreciate you being here. Our next speaker is David  
14 Tam.

15 MR. TAM: Chair and Members Mule and Petersen,  
16 and Mr. Danzig, who I believe is an advisor to another  
17 Board Member. Could that be stated for the record, for  
18 the audience's education, who Mr. Danzig represents.

19 COMMITTEE MEMBER BROWN: He is an advisor to  
20 me.

21 MR. TAM: To you. Thank you.

22 COMMITTEE MEMBER BROWN: And I'm not sure why  
23 you're asking that.

24 MR. TAM: Simply for public accountability.  
25 Thank you.

1 COMMITTEE MEMBER BROWN: Oh, okay. Yes, he's  
2 an appointed member of the staff.

3 MR. TAM: I appreciate that. Thank you.

4 My name is David Tam. I am a founder of the  
5 Northern California Recycling Association, which has  
6 been around about 30 years, and of the new nonprofit  
7 with the acronym SPRAWLDEF, which stands for  
8 Sustainability, Parks, Recycling and Wildlife Legal  
9 Defense Fund.

10 And for the benefit of the audience, I have  
11 given 12 copies of a -- sort of a quick note that was  
12 put together by the SPRAWLDEF and NCRA attorney, Mr.  
13 Kelly Smith who, because of a medical procedure that  
14 came down today, couldn't be here. So here are copies.

15 CHAIRPERSON MULE: Kevin, can you provide --  
16 yes, we're going to get those.

17 MR. TAM: There should be 12 with the --

18 CHAIRPERSON MULE: I believe we already have  
19 copies of your --

20 MR. TAM: Thank you. You do. You have 12  
21 copies, and I think they're finding their way around  
22 the front of the room.

23 CHAIRPERSON MULE: Thank you.

24 MR. TAM: I'd like to say, before I address  
25 the points that Kelly Smith would have made himself

1     could he have been here today, that I have been  
2     following the Marin County proceeding for about four  
3     years but not intensively, just selectively.

4             It's my impression that Marin County has  
5     been -- I don't want to use a completely approving  
6     word -- but it's been energetic. And certainly the  
7     mitigated alternative that is what is before your Board  
8     now, the concurrence and a recommendation of a permit,  
9     is an improvement over the original application.

10            But it's not yet ready for prime time, with  
11     all due respect.

12            And I do not believe that the public interest  
13     of California's citizenry would be well-served by  
14     acceding in the timetable which is in place in  
15     December 2008 when you have three former members of the  
16     Legislature who are just coming on board.

17            And acting in accordance with the timetable  
18     requested by the applicant and by Marin County's LEA  
19     puts you in a rather awkward situation. And that is,  
20     this permit is not ready for prime time, and it's being  
21     run through before all the questions could be answered.

22            And so we're going to be asking the applicant  
23     to agree to a delay in the proceedings so that the  
24     Permitting and Compliance Committee can deal fully with  
25     this after the Section 44307 hearing which is -- Marin



1 County has scheduled for December 19th, three days  
2 after your December 16th meeting has been completed.

3 The staff's position is that the two processes  
4 run in parallel. We beg to differ. We have had a  
5 tangle recently with Solano County which declined even  
6 to give us a hearing under Section 44307. I do not  
7 know if it's been brought to the attention of the Board  
8 as yet, but Mr. Smith, on behalf of SPRAWLDEF, took  
9 Solano County to court.

10 A Solano County trial court judge said you've  
11 already had your hearing. The circuit -- the  
12 California Court of Appeals for the First Circuit, on  
13 the 29th of October, in a 15-page published opinion,  
14 said you're wrong, Solano County. You have to give  
15 them a hearing.

16 So that is basically something that is, I  
17 think, instructive to all parties that are having  
18 heightened concern, not only about very, very grave  
19 matters like greenhouse gas emissions and the desperate  
20 need for increased business recycling, which we commend  
21 the Board leadership for getting behind, and for  
22 composting, but for all the diligent enforcement of the  
23 standards.

24 And that's basically what Mr. Smith's outlined  
25 remarks address. And now I'll hit each of the five

1 points if I may. And I'm sorry that the Chair could  
2 not be here for this, but she has it in writing.

3 Kelly has drafted a December 3rd letter. I  
4 checked this morning, and I'm not sure if he ever sent  
5 the final version. But basically, one of his major  
6 points --

7 CHAIRPERSON MULE: We have received that  
8 letter.

9 MR. TAM: You have received that letter.  
10 Thank you.

11 One of his major points there is the problem  
12 that the composting operations that have been going on  
13 for ten years are not at this time part of a  
14 nondisposal facility element.

15 I do not believe that there is any way this  
16 permit should be approved with that anomaly -- and  
17 perhaps more than an anomaly because it is our  
18 position, and we think that the Board, if it's going to  
19 be adopting a Finding of Overriding Considerations and  
20 environmental findings, needs to take a fresh look at a  
21 whether or not this operation is in an appropriate  
22 location to begin with, and that goes for composting as  
23 well.

24 So we'll be back on that, either with an  
25 agreement on the part of the applicant for a tolling to

1 your meeting in January, which I believe is scheduled  
2 for January 21st, or for a special meeting to comply  
3 with the 60-day requirement. But this is something  
4 that we are quite resolved to see is fully addressed by  
5 your Board and in the proper sequence.

6 Second point that Kelly makes has to do with  
7 parallelism. How can this proceeding not be related to  
8 the 44307 hearing? How can it not inform the Waste  
9 Board's judgment on the ultimate question?

10 So I think you need to basically get a grasp  
11 of what the staff is asking you to do with its doctrine  
12 of parallelism being permissible. And I do not think  
13 that that review of that staff assertion would lead to  
14 the conclusion that staff puts forth for you.

15 Third point, adopting the CEQA findings and  
16 Statement of Overriding Considerations. There are  
17 significant novel issues here relating to the  
18 cumulative impacts of greenhouse gas emissions and how  
19 those should be weighed. And the Waste Board needs the  
20 full 60 days -- in this case, because of your schedule,  
21 more than 60 days -- to consider this and other  
22 important issues.

23 Fourth, the statute gives the Waste Board  
24 until January 16, so there's no legal deadline to meet  
25 by rushing to judgment in December. Which you're

1     contemplating is just to do seven days away should the  
2     P&C Committee act affirmatively today.

3             As I pointed out earlier, if the applicant  
4     would agree to a tolling of a few days until the  
5     January 21st meeting, I think we could find a more  
6     cooperative atmosphere than having to go to court,  
7     which we are willing but reluctant to do because we are  
8     not blessed with infinite resources.

9             Final point. Over a thousand comments  
10    combined in Marin County proceedings show that this  
11    landfill and the proposed expansion is a subject of  
12    great public interest and controversy, and allowing  
13    more time for new Board Members to settle in and  
14    understand the issues in their full complexity is not  
15    only necessary but also what is right and fair for both  
16    the new members and the members of the public to be  
17    assured that the Waste Board was able to perform its  
18    important function.

19            I'd like to add one or two personal comments.  
20    One is with respect to the independent monitor that is  
21    in the permit before you. It's -- I haven't looked at  
22    it lately, but one who had spoken about it to me a  
23    couple of weeks ago said that it was a three-year end  
24    at that time independent monitor.

25            I'm one of the people who was involved in the

1 Altamont Landfill lawsuit settlement agreement of  
2 1998-1999. Waste Management, which owns the Altamont  
3 Landfill, by legal agreement with the environmental  
4 organization, the Northern California Recycling  
5 Association, agreed to a permanent community monitor.  
6 There is a community monitor committee.

7 I think Marin County and other counties that  
8 have the siting of landfills that are of county-wide or  
9 regional significance all should have this. And I  
10 think that that element of the Marin proposed permit  
11 that's before you is not, again, ready for prime time.

12 Finally, I have just begun to understand how  
13 Marin County keeps its calculations for diversion.  
14 Actually, the figure that I believe staff was grasping  
15 for that's the Waste Board's estimate of diversion, is  
16 not 67 percent but 77 percent. That's basically what  
17 Marin County has been saying in testimony.

18 I think it's less than 50 percent. And I  
19 don't use diversion in the same way that the Waste  
20 Board does. I use it the way that basically a member  
21 of the public would expect it to be.

22 We generate 400,000 tons of waste a year, we  
23 not landfill 100,000 tons a year -- sorry, 200,000 tons  
24 a year -- in other words, absolute weight, that would  
25 be a 50 percent diversion level.

1           Marin County sends over 200,000 tons a year to  
2   the Redwood Landfill and exports other tonnage to  
3   Solano County. It probably landfills near to 300,000  
4   tons. It has a high per capita generation rate. It's  
5   incredible that it has over 300,000 tons, let alone  
6   600,000 tons, which would be consistent with the  
7   77 percent diversion rate that is what is on the Waste  
8   Board's website.

9           With all due respect, there are a lot of  
10   problematic aspects to this application that do not  
11   qualify it for the characterization, unlike San  
12   Francisco or San Jose, of being a leader.

13           Thank you very much.

14           CHAIRPERSON MULE: Thank you. Our next  
15   speaker is Bruce Baum.

16           MR. BAUM: Thank you, Madam Chair. I'm Bruce  
17   Baum. I live in Marin County and I'm representing the  
18   Green Coalition for Responsible Waste and Resource  
19   Management. And since this meeting is being held in  
20   Sacramento, it's unfortunate that many of our members  
21   that would have liked to have attended can't make it.

22           For the record, I'd like to clarify that  
23   Arthur Boone who spoke earlier is not retained or paid  
24   by the Green Coalition.

25           What I'd first like to do is point out some

1 flaws demonstrated by staff's PowerPoint presentation,  
2 and I've asked staff to put up the overview of the  
3 landfill so you can really put it in perspective.

4 I'd like you to take note on that presentation  
5 that this is Petaluma Marsh. This whole area is the  
6 Petaluma Marsh. It's California's largest tidal marsh.  
7 This is San Antonio Creek. This is the Petaluma River.  
8 These -- it's surrounded on three sides by water, and  
9 of course it's in a floodplain, and most of the wet  
10 season this is under water. Okay.

11 Of particular interest, as I'd like to point  
12 out, is here is the leachate pond. And we believe that  
13 that is the biggest risk with the landfill design, the  
14 location of the leachate containment pond.

15 You should note that it's within -- it's  
16 within mere feet of San Antonio Creek and the  
17 surrounding wetlands. There is no 200-foot setback.  
18 The pond is always full. It's never drained and sent  
19 to a proper treatment facility.

20 It has overflowed during torrential downpours.  
21 In fact, one year a few years ago, Waste Management  
22 pumped 8.5 million gallons of leachate into San Antonio  
23 Creek. And the County and the landfill have admitted  
24 that it's not large enough.

25 Moreover, the leachate containment system,

1 also known as the engineered alternative or the LCRS,  
2 goes in front of the pond and does not surround it. So  
3 if you look at the pond again -- as soon as I find  
4 where my pointer is -- if you look at the pond, the  
5 leachate containment system comes across it this way.  
6 So we're not really going to capture the leachate,  
7 should it be overflowing.

8 If there is a breach, the containment plan  
9 says build a new dyke. That, of course, would be too  
10 late. This is a fundamental environmental risk, one of  
11 a number that the FEIR findings are being asked to  
12 ratify that do not adequately address.

13 Another flaw in the presentation is that it  
14 does not recognize that the expansion is also lateral.  
15 The permit you are being asked to approve increases the  
16 waste disposal area from 210 acres to 222.5 acres.  
17 This footprint expansion means the County was required  
18 to reexamine the land use permit, and it has refused to  
19 do so.

20 I would like to make a quick comment on the  
21 composting since composting is such an important area.  
22 The composting plan is to include biosolids into the  
23 landfill.

24 For those of you in the room that don't know  
25 what biosolids is, it's sewer sludge. Sewer sludge in



1   compost cannot be sold. There's no market for compost  
2   with sewer sludge in there. So the plan is to use it  
3   for bank reenforcement which puts it right back on the  
4   landfill. So we're not really composting and putting  
5   it back into the soil.

6           Today we'll be filing with you -- we'll be  
7   submitting a letter that we sent to the LEA on  
8   November 5th. This was just the latest of numerous  
9   comment letters we've filed over the years with Marin  
10  County, including reports we commissioned prepared by  
11  expert hydrologists, geotechnical engineers, and  
12  landfill consultants.

13           And like many before it, the analysis and  
14  concerns in the November 5th letter were largely  
15  ignored. So I ask that you actually read these letters  
16  in the record before making your decision.

17           With the rest of my oral comments, I'll  
18  address staff's recommendation you accept Marin  
19  County's Statement of Overriding Consideration which  
20  begins on page 55 of the CEQA report that has been  
21  submitted to you.

22           I'm going to tell you why you should not do  
23  so. Our attorney, Brent Newell, also addressed this  
24  issue in his letter which we filed today and Sue Brown  
25  summarized during her oral comments.

1           Section A, environmental considerations. A  
2   fundamental element of AB 939 is source reduction built  
3   on a hierarchy of reduce, reuse and recycle. That is  
4   the same hierarchy for zero waste programs adopted in  
5   other jurisdictions in California.

6           And zero waste programs and goals can and  
7   should be reflected in Marin's waste management  
8   blueprint. We have none. Only the County and two  
9   municipalities out of 11 have passed zero waste  
10   resolutions.

11           Not one franchise agreement has been modified  
12   to reflect incentives for zero waste to the citizens of  
13   the whole as to help us move to zero waste as in other  
14   Bay Area communities.

15           Furthermore, as has been mentioned just  
16   recently by David Tam, furthermore, continuing to count  
17   green waste used as ADC and enter it as recycling is  
18   pure folly. In fact, if you back these numbers out,  
19   Marin is just marginally meeting 50 percent AB 939  
20   threshold, contrary to what we hear in promotions from  
21   Marin waste haulers.

22           B, physical and economic considerations.  
23   Although the landfill claims that this expansion, if  
24   approved, will extend the life of the landfill in 20 --  
25   until 2024, even if true, Marin County must begin

1 finding an alternative in just 13 months when there  
2 once again will be less than 15 years' capacity.

3 Waste Management, Inc. has played this game  
4 before in terms of promising an extended life only to  
5 renege just a few years later. With the 1995 WMI  
6 permit, WMI said the landfill life would extend past  
7 2040. But here again today, we're worried about site  
8 life.

9 Moreover, over the last few years, as you have  
10 heard, Redwood Landfill has taken approximately  
11 50 percent of its waste from Marin County -- excuse me,  
12 from Sonoma County.

13 But Sonoma County has plans to reopen Central  
14 Landfill. So when that opens, and if Marin County  
15 would become serious about zero waste -- the official  
16 policy of this Waste Board and the state -- then there  
17 is a better alternative than dumping about six million  
18 more cubic yards in our tidal wetlands.

19 Physical and economic considerations do not  
20 consider the estimated \$1 million cleanup after the  
21 inevitable natural catastrophe of earthquake, flooding  
22 or leachate contamination of the Petaluma Marsh and San  
23 Pablo Bay. Excuse me: Billion dollars that's been  
24 estimated to clean up the situation.

25 Spreading the cost over additional loads and

1 years, another overriding consideration, is  
2 meaningless. Where is the cost analysis? Would an  
3 additional fifty cents to a dollar per month impact  
4 Marin rate payers? The answer is no.

5 The expansion proposal includes only diverting  
6 construction and demolition materials. It does not not  
7 include any definitive plans for resource recovery  
8 parks such as those now operating in other communities.

9 Legal and -- C: Legal and regulatory  
10 considerations. Linkage of expansion of Redwood  
11 Landfill's capacity despite the environmental risks  
12 with administrative ease and county officials  
13 overseeing a permit is specious.

14 And, as already noted, gaining a mere 13  
15 months of compliance with the 15 years plan requirement  
16 is laughable.

17 D: Social considerations as cited in the  
18 findings. Point number one, landfill expansion  
19 approval is not necessary for the applicant to continue  
20 to educate the public. It is their ongoing  
21 responsibility to educate the public.

22 Two, reopening of Sonoma County's Central  
23 Landfill, the removal of methane-generating organics  
24 from the landfill, eliminating green waste as ADC,  
25 instead the use of spray applications or inexpensive

1 tarps as cover, and implementation of basic zero waste  
2 strategies will double the life of Redwood Landfill.

3 As noted, Marin has to deal with a  
4 post-Redwood Landfill plan as soon as possible  
5 regardless of the expansion proposal.

6 Three, good corporate citizenship is not  
7 dependent on landfill expansion and certainly does not  
8 add to a Statement of Overriding Considerations. All  
9 corporations have a responsibility to be good citizens.

10 In conclusion, we just implore that you, in  
11 undertaking your responsibility on this permit  
12 application, keep in mind the health, welfare of Marin  
13 citizens and future California taxpayers.

14 This is not an inland landfill where just  
15 meeting minimum state requirements and checking the  
16 review box should suffice. This is a growing mound of  
17 garbage piled on old sloughs underlining a tidal marsh  
18 below sea level in contact with groundwater -- unlined,  
19 I must add -- in a floodplain and between two  
20 earthquake faults with an over 90 percent chance of a  
21 6.7 earthquake or better in the next thirty years.

22 It deserves the full Board's careful attention  
23 and deliberations. Because it takes a Statement of  
24 Overriding Consideration to overcome the negative  
25 environmental impacts, you have the ability to say no

1 and send it back.

2 In sum, the Green Coalition urges this panel  
3 to reject the option that the Board adopt Marin's LEA  
4 Statement of Overriding Considerations and CEQA finding  
5 as its own. We hope to provide you additional comments  
6 between now and the final Board action.

7 Thank you very much for your time.

8 CHAIRPERSON MULE: Thank you.

9 That concludes our speakers. And I think what  
10 we would like to do, with the concurrence of the rest  
11 of the Committee, is we thought we would break for  
12 lunch, reconvene by 1:00 p.m. We can then come back  
13 and have our Q&A of staff and possibly other members of  
14 the LEA and the operator and then move on from there.

15 And then we can adjourn this meeting and then  
16 go right into our Strategic Policy Committee. So with  
17 that, this meeting is temporarily adjourned until  
18 1 o'clock. Recessed. Thank you.

19 (Lunch recess)

20

21

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23

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25

1                               AFTERNOON SESSION

2                               --o0o--

3                   CHAIRPERSON MULE: I would like to reconvene  
4 this meeting of the Permitting and Compliance  
5 Committee. Donnell, would you please call the roll.

6                   EXECUTIVE ASSISTANT GARNER: Brown.

7                   COMMITTEE MEMBER BROWN: Here.

8                   EXECUTIVE ASSISTANT GARNER: Chair Mule.

9                   CHAIRPERSON MULE: Here.

10                  And let the record reflect that Board Member  
11 Petersen is with us as well. Ex partes? I know we  
12 received some additional letters regarding the item we  
13 were in the midst of, and they have been ex parted, so.

14                  BOARD MEMBER PETERSEN: Madam Chair, I spoke  
15 with Bruce Baum, David Tam, and Sue Brown.

16                  CHAIRPERSON MULE: Thank you. All righty.

17                  Well, let's continue with the item, if you  
18 don't mind. We ended with the hearing of our public  
19 speakers. So with that, we can turn it back over to  
20 staff.

21                  There are a number of questions that came up  
22 during the course of public testimony, and so -- if you  
23 would like, I could go through my list or you can. I  
24 am sure -- I saw all of you making notes as well, so if  
25 you'd like to just address them.

1           DEPUTY DIRECTOR RAUH: I think we'd like to  
2 start off, if we could.

3           CHAIRPERSON MULE: Very good.

4           DEPUTY DIRECTOR RAUH: So I think we're going  
5 to start with Elliot.

6           CHAIRPERSON MULE: Okay. Elliot.

7           DEPUTY DIRECTOR RAUH: To address some of the  
8 general legal matters.

9           CHAIRPERSON MULE: Good.

10          CHIEF COUNSEL BLOCK: Thank you, Madam Chair.  
11 Forgive my voice; I'm getting over a little bit of a  
12 cold.

13          I just wanted to make some general comments,  
14 set some context, and then actually address a couple of  
15 specific legal issues before turning it over to staff  
16 to deal with some very specific issues.

17          There were obviously a lot of specific items  
18 that were raised, but a number of those items were  
19 items that I think I can -- I tried to deal with before  
20 the testimony was made, and I wanted to just reiterate  
21 again for the record.

22          The Board's hearing today is fairly limited.  
23 The Committee and then the Board ultimately, your  
24 authority is fairly narrow in terms of the issues you  
25 can look at.



1           So there were a number of issues that were  
2    raised in testimony earlier today that are items that  
3    are not going to be relevant for your decision, issues  
4    relating to air quality, issues relating to water  
5    quality, issues relating to how the County interprets  
6    its land use permit.

7           So again, we can talk some more specifics  
8    about those if you want, but I wanted the record to  
9    reflect that those items as a group are not items that  
10   are properly before you today.

11           Likewise, there was some specific testimony  
12   about CEQA and the Statement of Overriding  
13   Considerations; and as you listened to the discussion  
14   of that, and I think as is outlined in the letter that  
15   was submitted, the issues -- the outstanding issues  
16   that are in the Statement of Overriding Considerations  
17   are all air quality issues which, again, are not a  
18   basis for the Board objecting to this permit.

19           Also, just in a general way -- and again,  
20   staff may have some more specifics to add to this --  
21   there were a number of issues raised about whether the  
22   permit should have some more stringent requirements in  
23   them.

24           For instance, should financial assurances be  
25   greater than 30 years? Should there be additional

1 penalties other than those that are already in statute  
2 and regulations for violations? And those are again  
3 items that would be above the minimum required by  
4 statute and regulations, and so that's not properly  
5 before you for decision-making today.

6 So those are some general -- I wanted to  
7 provide that general context, and there may be some  
8 additional specifics that staff is wanting to add some  
9 details on.

10 I did want to address two specific legal  
11 issues that were raised. One was relating to  
12 conformance findings, and the discussion came up about  
13 whether this facility is in conformance, specifically,  
14 a letter from one member of the county's LTF feeling  
15 that this facility was not properly reviewed.

16 And as indicated in the agenda item, this  
17 facility is not currently listed in the nondisposal  
18 facility element, and frankly that's because it existed  
19 prior to the original adoption of the nondisposal  
20 facility element.

21 However, this facility is specifically in the  
22 summary plan for the County. That is a document that  
23 is reviewed by the LTF -- it was reviewed by the LTF,  
24 and in fact requires 30-day notice rather than just the  
25 three-day notice for an NDFE.

1           It requires the majority majority approval of  
2   all the jurisdictions in the county rather than just  
3   the one city that the facility is located in and  
4   requires CEQA analysis which an NDFE is actually exempt  
5   from.

6           So the Board in the past, when this issue has  
7   come up, it is ultimately your decision, but has viewed  
8   that as what is identified in the agenda item as  
9   substantial compliance.

10          Because -- in part as well because recognizing  
11   that the NDFE -- it's a planning document. It's not a  
12   permit. It's not intended to be a permitting document.  
13   It's intended to provide notice to the public in that  
14   jurisdiction as to what facilities are going to be  
15   used. And as has been discussed already today, this  
16   facility has in fact -- this composting facility has  
17   been there for over ten years.

18          Finally, one other legal issue that got raised  
19   was relating to the AB 59 appeal. I think it was  
20   referred to as the 44307 appeal, but.

21          And I just wanted again to reiterate for the  
22   record that that appeal is independent from the permit  
23   decision that you're dealing with today and next week.

24          The permit decision, the Board's concurrence,  
25   has some very tight time frames, very specific time

1 frames in statute. This statute does not stay or halt  
2 those based on an appeal.

3 And I wanted to specifically mention,  
4 having -- of course, Michael and I have also spent a  
5 fair amount of time reading the decision that was  
6 referenced in testimony earlier today. And the  
7 decision, the SPRAWLDEF's lawsuit at another site, the  
8 issue in that decision was whether an appeal hearing  
9 should be granted or not. In that particular, case the  
10 LEA didn't grant a hearing at all.

11 That is not the case here; the LEA is in fact  
12 granting a hearing. And that decision -- part of the  
13 decision, and there's actually some quotations, quotes  
14 from the transcript of the court's hearing, SPRAWLDEF  
15 specifically dropped its attempt to void the permit  
16 that they were seeking an appeal on in that hearing.

17 So that decision specifically did not say  
18 you're granted a hearing and the permit is stopped. So  
19 they are two independent processes.

20 We have recognized for years that that's  
21 something that ought to be addressed. We need to  
22 actually have that statute taken a look at and make it  
23 maybe make a little bit more sense.

24 But as it stands now, those are two  
25 independent decisions. The reality is that your

1 decision today and next week as a full Board, this is  
2 the opportunity for those residents to come in and  
3 raise the issues and concerns they have related to the  
4 permit that are within your jurisdiction, not to hold  
5 it off to a different hearing.

6 And with that, I wanted to turn it over to  
7 staff. I think there are some specifics they wanted to  
8 also address.

9 CHAIRPERSON MULE: Thank you. That was  
10 helpful.

11 DEPUTY DIRECTOR RAUH: Chair Mule, I'd like to  
12 make a couple more general comments, and then we'd also  
13 like to have the LEA respond to some of the specific  
14 technical questions, and then Reinhard will wrap up for  
15 us.

16 The areas that I wanted to cover, there were  
17 several comments with respect to air and water issues,  
18 as Elliot Block just summarized for you. And it's  
19 important to recognize that those agencies are and will  
20 weigh in on their own permits with respect to this  
21 facility, and those issues will be addressed as part of  
22 those hearing -- permitting processes.

23 Also, staff has, we believe, had adequate time  
24 to complete a thorough investigation, review, and  
25 propose the findings that we believe you can make.

1           So we don't feel that more time is necessary  
2   for the staff in reviewing this particular permit  
3   application and the documents associated with it. We  
4   have been intimately involved with the LEA through the  
5   process, attending many of the public hearings and  
6   conducting our own review as appropriate.

7           Finally, there was some comments about  
8   financial assurance, and I just wanted to re-bring to  
9   your attention that the facility -- we have completed a  
10   financial assessment review.

11           The facility is in compliance with the  
12   requirements as they currently exist. The facility is  
13   also in compliance with the Water Board requirements  
14   for corrective action, so they are current in that  
15   regard.

16           And based on what Elliot's already spoken to  
17   in this matter, we feel that they have sufficient  
18   financial assurance for this particular project as it's  
19   currently described.

20           And as you move forward with regulations,  
21   obviously, we would move forward to bring this facility  
22   into compliance with any changes that you may make as  
23   part of the 2296 process.

24           With that, we'd like to ask the LEA to come  
25   back to the podium and speak to four technical areas

1 and others if they so choose: The monitor, independent  
2 monitor provision that was raised; some concern about  
3 acreage in the permit; the pond/leachate concern that  
4 was raised; and also the timing and permitting of the  
5 C&D facility which was also an issue.

6 CHAIRPERSON MULE: Right. Thank you.

7 MS. NG: Good afternoon. This is -- I'm  
8 Rebecca Ng.

9 In regards to the independent monitor, we do  
10 have Condition 16 S as in Sam, and the portion of the  
11 condition that was in question by a member of the  
12 public, I shall read to you. It says:

13 After the facility has complied with  
14 this condition for three years, the LEA  
15 shall have the discretion, within its  
16 authority to protect public health and  
17 safety and the environment, to  
18 eliminate, extend, or otherwise modify  
19 this requirement in consideration of the  
20 utility of the information generated to  
21 the LEA and to the community, the  
22 expense of the facility -- to the  
23 facility of generating the information,  
24 and such other concerns as the LEA may  
25 deem relevant.

1           So it was not the intention to discontinue the  
2   independent monitor after three years. After three  
3   years, we would review all the information and decide  
4   whether to modify the condition, extend it, or it has  
5   eliminate.

6           CHAIRPERSON MULE: Thank you. I do have a  
7   question, though, about that. Is it possible for us,  
8   for the Board staff, to also weigh in on that decision  
9   whether or not to continue?

10          MS. NG: Yes, I believe so.

11          CHAIRPERSON MULE: The independent monitoring.  
12   I would feel more comfortable if Board staff was  
13   included on that decision as well.

14          MS. NG: Okay.

15          CHAIRPERSON MULE: As opposed to just the LEA.

16          MS. NG: We will work with staff on modifying  
17   the language.

18          CHAIRPERSON MULE: Okay. Thank you.

19          MS. NG: Okay. In regards to the question  
20   regarding the lateral expansion versus just the  
21   vertical, the 210 acres versus the 222 and a half  
22   acres, I believe, the -- this is more of a  
23   clarification in terms of the acreage.

24          The footprint has not changed and will not  
25   change. However, there is an old waste unit that



1 historically -- it was by one of the previous owners to  
2 the south, on the south border, which is identified in  
3 the EIR; and one of the mitigation measures was to  
4 identify the waste and to, once it was identified, to  
5 address the best means to deal with it.

6           If it was -- and it has been found to be  
7 inert. And as it was identified in the EIR, if it's  
8 inert that it may be best to just leave it in place.  
9 And if it was something else, that it could be removed  
10 and the area closed per closure requirements.

11           So this was a means to identify and keep that  
12 unit in mind so it's not forgotten. So it's not a new  
13 unit, and waste -- additional waste will not be  
14 disposed there. In fact, it's currently part of the  
15 administrative facilities.

16           CHAIRPERSON MULE: Okay.

17           MS. NG: Okay. And in regarding the leachate  
18 spill or overflow, the occurrence that Mr. Baum  
19 referenced was an El Nino year, so the excessive rains  
20 built up in the leachate pond.

21           The leachate was diverted to their stormwater  
22 pond also; however, it was inadequate to hold all of  
23 the rainwater, which was mainly rainwater, so it did  
24 overflow.

25           The Redwood Landfill did contact the Regional

1 Board, and they did test the material that flowed into  
2 the creek. However, the EIR does require in the  
3 mitigation measures to identify and construct  
4 additional leachate storage ponds, so there are two  
5 areas that were identified and will be constructed.

6 CHAIRPERSON MULE: So they will be  
7 constructed, you said?

8 MS. NG: Yes.

9 CHAIRPERSON MULE: Okay.

10 MS. NG: And lastly, regarding -- just  
11 regarding the C&D facility. As you may remember, we  
12 did include additional tonnage to allow for the  
13 receipts of recycled material or C&D material to be  
14 diverted for recycling and reuse and also additional  
15 vehicles for delivery of recycled materials.

16 We do have a condition in the permit, 16 U,  
17 that says:

18 The operator shall apply for additional  
19 permits needed to construct and  
20 implement a construction and demolition  
21 material resource and recovery operation  
22 within the landfill property within two  
23 years of issuance of the solid waste  
24 facility permit and make every effort to  
25 complete implementation within three

1                   years of the solid waste facility permit  
2                   issuance.

3                   It says:

4                   The C&D operation will be regulated  
5                   under a separate permit.

6                   So -- and it goes on to say that the  
7                   entitlement of the 400 tons will be -- I don't know --  
8                   will terminate at the landfill operation and will be  
9                   shifted over to C&D operation. So.

10                  And I just wanted to make one clarifying note  
11                  also. It was said that the air impacts, PM10 and such,  
12                  were not addressed in the EIR. They were addressed in  
13                  the EIR. So those impacts have been looked at for nine  
14                  years. So they have been addressed. But as Elliot  
15                  pointed out, that is not within our authority.

16                  I also wanted to clarify that green waste  
17                  and -- I think it was green waste and the biosolids --  
18                  are not used for slope stability. They have been used  
19                  for erosion control, not slope stability, as required  
20                  by the Water Board and approved by the Water Board.

21                  Do you have any other -- is there anything  
22                  else I can address for you?

23                  CHAIRPERSON MULE: I don't have any  
24                  additional -- you've answered my questions. So again,  
25                  thank you. That's very helpful because I did have a

1 whole list.

2 BOARD MEMBER PETERSEN: You mentioned on the  
3 ponds, the settling ponds. Are these the ones that are  
4 going to be to be constructed. Are these buffer ponds?  
5 They're not going to be used as leachate ponds; they're  
6 just there for a buffer?

7 MS. NG: The -- well, there is currently the  
8 one leachate pond. However, they are required to  
9 build -- construct additional storage ponds for  
10 overrun. I mean --

11 BOARD MEMBER PETERSEN: So it's overflow.

12 MS. NG: Right. Overflow.

13 BOARD MEMBER PETERSEN: Thank you.

14 MS. NG: Okay.

15 COMMITTEE MEMBER BROWN: Leachate overflow or  
16 stormwater? Because you made the distinction of the  
17 two.

18 MS. NG: Leachate.

19 COMMITTEE MEMBER BROWN: Leachate. Okay.

20 BOARD MEMBER PETERSEN: Leachate.

21 MS. NG: They do have a stormwater pond also.

22 COMMITTEE MEMBER BROWN: Okay. And that's  
23 really under the purview of the Regional Water Quality  
24 Board anyway. So it's not something that we can really  
25 comment or do anything. I mean, that is the Regional

1 Board's purview.

2 MS. NG: And just another addition. It was  
3 said that the leachate is not removed and treated. And  
4 that -- again, that is something that the Regional  
5 Board has required, that they keep the leachate on  
6 site, that they cannot remove it and treat it off site.

7 So that is something that the Redwood Landfill  
8 is doing within -- they're complying with the Regional  
9 Board requirements by keeping it on site.

10 CHAIRPERSON MULE: Thank you.

11 Does staff have anything to add? Questions  
12 for staff? Board Member Petersen.

13 BOARD MEMBER PETERSEN: I just have one  
14 question. I understand that this action is going to be  
15 taken by us. Elliot, I think this is you, I don't  
16 know; but is there a way we can get a waiver or  
17 extension of time to have this after all these other  
18 hearings and things take place, in the January that was  
19 mentioned earlier? Is that something that --

20 CHIEF COUNSEL BLOCK: Well, the timeline will  
21 end January 16th. You've got a Board meeting scheduled  
22 January 21st. So that's why this item is on the  
23 December agenda.

24 The opportunities for having additional time  
25 between now and then would be either for the operator

1 to waive time to allow this to go on the January agenda  
2 or for the Board to schedule a special meeting prior to  
3 January 16th.

4 If you wanted to do so, I think it's staff's  
5 recommendation, based on the issues we have heard, that  
6 that wouldn't be necessary. But those are the options  
7 you would have.

8 BOARD MEMBER PETERSEN: Okay. Thank you.

9 CHAIRPERSON MULE: Okay. Actually, I just  
10 want to thank staff for answering all the questions. I  
11 had a whole list of questions, and the staff and the  
12 LEA had addressed pretty much all of these questions.

13 What I'll do is I'll ask Chair Brown if she  
14 has any questions or would like to make a comment, and  
15 then we can go from there.

16 COMMITTEE MEMBER BROWN: I want to first thank  
17 the members of the public who are here today. I think  
18 it speaks to the relevance of this Board and the open,  
19 transparent process that we have available to  
20 deliberate on these permits and have an opportunity to  
21 hear directly from you.

22 I do want to applaud Marin County for your  
23 zero waste goal. That is our goal. That is part of  
24 AB 32 and the greenhouse gas reductions that this Board  
25 will undertake in recycling.

1           At the same time, I have to say that this  
2   operator has taken on that charge as well and is moving  
3   and making efforts to try and convert this facility to  
4   more of a recycling facility than a disposal facility.

5           So that is promising, from my perspective,  
6   that they are taking the responsibility to do C&D  
7   recycling here, that they are doing more composting and  
8   bringing in food waste so it's a more marketable  
9   product.

10           I think that, you know, we have a tremendous  
11   challenge here at the Board in finding markets for  
12   compost. People are recycling their green waste at the  
13   curb, but they're not using it in enough volume to take  
14   it out of the landfill, and there are uses for  
15   alternative daily cover in some situations.

16           But we need to find markets for that compost.  
17   And we need as residents and citizens that recycle our  
18   green waste to start using our compost and to buy those  
19   products back. Because that's what's going to keep  
20   them out of the landfill.

21           And I think that Marin County, your diversion  
22   numbers are excellent. You're one of the model  
23   communities, and so I applaud you for that.

24           I think a lot of the -- a lot of your concerns  
25   are not under this Board's purview. And I know that

1 you will be approaching the Air Board and the Water  
2 Board as the permit moves forward.

3           Unfortunately, we also don't have sequencing  
4 of permits anymore. So unless the operator chooses to  
5 waive time, I think that we are going to hear this  
6 again. So we do have the opportunity to have new Board  
7 Members here next Tuesday to have an opportunity to  
8 review the record, see the staff analysis, hear from  
9 the public once more about your concerns of the permit,  
10 conditions that the LEA has put on it.

11           The LEA has done an excellent job, I think  
12 above and beyond. So thank you for your efforts.

13           But we're sort of in that uncharted territory,  
14 sort of a no man's land between, you know -- we're  
15 above 50 percent statewide in California at recycling  
16 and waste diversion, but we're not yet at zero waste.  
17 So we can't move completely away from landfills yet.  
18 As a community, we still rely on them throughout the  
19 state.

20           But I have to thank you very much for your --  
21 for being here and your participation in the process,  
22 some of you ten years. So thank you for your  
23 participation in the process.

24           For the operator, thank you very much. I know  
25 that this project has scaled down, and you have worked



1 with your community to scale the project to address  
2 some of their concerns, and we appreciate you working  
3 collaboratively with them.

4 And I look forward to contemplating the permit  
5 next Tuesday at our Board meeting.

6 CHAIRPERSON MULE: Thank you, Chair Brown. I  
7 just want to make a brief comment before we move the  
8 resolution here, or try to move the resolution.

9 I too want to thank everyone who's  
10 participated in this decade-long process. It's a long  
11 process, and it just shows me that you truly do care  
12 about your community and your surrounding community.  
13 And that says a lot for all of you and the people of  
14 Marin County.

15 I do also appreciate the fact that you do have  
16 a good record when it comes to recycling, and you are  
17 one of the leaders in recycling around the state. And  
18 we do a lot of traveling around the state.

19 And it also comforts me to know that you're  
20 not going to rest on your laurels. You truly are  
21 striving towards a zero waste community and communities  
22 in Marin County.

23 And I think for me, in -- I actually went out  
24 to this site. I went and toured the site, asked a lot  
25 of questions. And for me, going from a landfill to

1    what I call an environmental resource recovery facility  
2    is truly one of those trends that we at the Board like  
3    to see. And I think this facility is exemplifying  
4    that.

5               By increasing your recycling from ten tons a  
6    day to up to 400 tons a day; as Chair Brown mentioned,  
7    by expanding your composting to add food waste; and  
8    again, creating more marketable products that hopefully  
9    you can bring back to your own residents and businesses  
10   and use in your own communities, that was very, very  
11   comforting to me.

12              And then also, just to look at some of the  
13   other innovative things that the operator is looking  
14   at: Landfill gas recovery. I mean rather than flaring  
15   that methane off into the atmosphere, they're looking  
16   at it to recover it, create energy, and reduce our  
17   dependence on other types of energy sources.

18              So for me, this is the trend that we want to  
19   see and where we want to go as a state in managing our  
20   materials.

21              I was very pleased to see that the operator  
22   had agreed to the mitigated alternative as opposed to  
23   what they were looking at. Again, it shows that there  
24   is some cooperation.

25              I also liked the fact that there is a

1 third-party monitoring provision in the permit. I feel  
2 very strongly about that. I think it's important to  
3 have a third party there to stay on top of this to make  
4 sure that the operator is doing what they say they're  
5 going to do.

6 So with that -- the history also, the  
7 compliance history of this facility is good. I looked  
8 at that in considering my decision. There's -- again,  
9 a lot of issues that were addressed or that were  
10 brought up today to this committee are not under our  
11 jurisdiction.

12 And so I do encourage you to continue your  
13 work with the Regional Air Boards and the Regional  
14 Water Boards because those are where most of the issues  
15 that you brought up today are going to be addressed.

16 So with that, do I have a motion?

17 COMMITTEE MEMBER BROWN: I think I'd like to  
18 make the request that we put this over to the full  
19 Board for consideration with our new members.

20 I understand from Mark we will have -- two of  
21 our new members will be present next week, so we will  
22 have an opportunity to do a presentation for them and  
23 then hear this permit, allow the public, if you would  
24 like, to come back.

25 We certainly have your testimony, and that

1 will be part of the record, so we certainly don't want  
2 to require you to be here; but we would welcome you to  
3 come back, and we do have all of your input for the  
4 record and their consideration. They do get copies of  
5 everything.

6 So I would have like to have a hearing again.

7 CHAIRPERSON MULE: Well, yeah. We were  
8 planning on hearing it at the full Board. So we will  
9 do that, and we will not move this item today. We'll  
10 wait until the full Board meeting.

11 We will have a presentation from staff at the  
12 that meeting, at the full board meeting on Tuesday,  
13 December 16th, and we can further deliberate and then  
14 move forward with this.

15 So with that, this meeting is adjourned.

16 Thank you all.

17 \* \* \*

18 (Thereupon the CALIFORNIA INTEGRATED  
WASTE MANAGEMENT BOARD PERMITTING AND  
19 COMPLIANCE COMMITTEE meeting adjourned  
at 1:37 p.m.)

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11 I further certify that I am not of counsel or  
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13 any way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my  
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